

Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone numbers are (404) 562-9140 and (404) 562-9025 respectively. Ms. Nacosta Ward can be reached via electronic mail at ward.nacosta@epa.gov. Ms. Amanetta Wood can be reached via electronic mail at wood.amanetta@epa.gov.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules Section of this **Federal Register**.

Dated: March 27, 2008.

J.I. Palmer, Jr.,

Regional Administrator, Region 4.

[FR Doc. E8-7187 Filed 4-7-08; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA-R03-OAR-2008-MD-0209; FRL-8552-6]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; State of Maryland; Control of Large Municipal Waste Combustor (LMWC) Emissions From Existing Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the Maryland Department of the Environment (MDE) large municipal waste combustor plan (the plan) revision for implementing Clean Air Act (the Act) emission guideline (EG) amendments promulgated by EPA on May 10, 2006. The plan revision establishes revised emission limits, monitoring, and recordkeeping requirements for existing LMWC units with a unit capacity greater than 250 tons per day (TPD). An existing LMWC unit is one for which construction commenced on or before September 20, 1994. In the Final Rules section of this **Federal Register**, EPA is approving the State's 111(d)/129 plan revision submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed description for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA

receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by May 8, 2008.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA-R03-OAR-2008-MD-0209 by one of the following methods:

A. <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. *E-mail:* [http://wilkie.walter@epa.gov](mailto:wilkie.walter@epa.gov).

C. *Mail:* EPA-R03-OAR-2008-MD-0209, Walter Wilkie, Chief, Air Quality Analysis Branch, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-R03-OAR-2008-MD-0209. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT:

James B. Topsale, P.E., at (215) 814-2190, or by e-mail at topsale.jim@epa.gov.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section for this **Federal Register** publication.

Dated: March 31, 2008.

Donald S. Welsh,

Regional Administrator, Region III.

[FR Doc. E8-7345 Filed 4-7-08; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 32, 43, 52, and 53

[FAR Case 2005-032; Docket 2008-0002; Sequence 4]

RIN: 9000-AI47

Federal Acquisition Regulation; FAR Case 2005-032, Contractor's Request for Progress Payments

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to implement recommendations to improve the regulations at FAR 32.001, 32.5, and 52.232–16 related to requests for progress payments and the Standard Form (SF) 1443, Contractor's Request for Progress Payments form used to request those progress payments.

DATES: Interested parties should submit written comments to the FAR Secretariat on or before June 9, 2008 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FAR Case 2005–032 by any of the following methods:

- Regulations.gov: <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting "FAR Case 2005–032" under the heading "Comment or Submission". Select the link "Send a Comment or Submission" that corresponds with FAR Case 2005–032. Follow the instructions provided to complete the "Public Comment and Submission Form". Please include your name, company name (if any), and "FAR Case 2005–032" on your attached document.
- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat (VPR), 1800 F Street, NW, Room 4035, ATTN: Diedra Wingate, Washington, DC 20405.

Instructions: Please submit comments only and cite FAR case 2005–032 in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT Ms. Meredith Murphy, Procurement Analyst, at (202) 208–6925 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAR case 2005–032.

SUPPLEMENTARY INFORMATION:

A. Background

The proposed changes to FAR 32.001, 32.501–3, 32.503–6, 52.232–16 and the SF 1443, Contractor's Request for Progress Payments are to (1) address revisions to the paid cost rule, and (2) simplify the form and related regulations, and instructions to improve clarity. These proposed changes originated as a part of a review of the SF 1443 and related regulations by the

Department of Defense (DoD). As a part of this review, the DoD requested input from both Department contracting professionals and the general public (see **Federal Register** 69 FR 67899, dated November 22, 2004). The recommendations resulting from that effort were considered in developing the proposed rule language reported herein.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Discussion

The Councils are revising the following FAR provisions:

1. FAR 32.001 is revised to add a definition for the term "Liquidate." This proposed change is made to ensure that all parties understand what is meant by this term which is used frequently throughout FAR Part 32.

2. FAR 32.501–3(a)(1) is revised to ensure that the term "contract price" is used consistently in 32.501–3 and the SF 1443. This change is proposed to clarify that "contract price" includes the total amount to be paid for complete performance of the contract, to include the not-to-exceed amounts on unpriced modifications. Related changes are proposed to the instructions for Item 5 of the SF 1443.

3. FAR 32.503–1 is deleted, in its entirety. The language requiring the contractor to use the SF 1443 to request progress payments is moved to 52.232–16(g)(3). This change is made to move the requirement to use the form into the contract clause. New language is added allowing electronic submission of the SF 1443.

4. FAR 32.503–6(f) and (g), and 52.232–16(a)(9) and (c)(5) are revised to clarify the computation of the loss ratio.

5. FAR 52.232–16(g)(2) is added to require that contractors use current estimates to complete when preparing the SF 1443. Related changes are proposed for the SF 1443 Line 12b and related instructions.

6. Various other changes to the SF 1443 and related instructions are also proposed:

(a) Line 4 "Contract Number" is changed to require that the contractor include the Delivery or Task Order number, if applicable, so that the paying office can associate the SF 1443 with the correct order.

(b) Lines 9–11 are revised to reflect changes made to the "paid cost rule" in an earlier Final Rule.

(c) Line 14 is revised to make the language on the form consist with that

of 52.232–16. A related change is also made to Line 20.

(d) Line 23 is revised to clarify that the amount on this line is the dollars that have been liquidated as well as the dollars to be liquidated.

(e) Minor editorial changes are proposed for various portions of the SF 1443 and related instructions.

C. Regulatory Flexibility Act

The Councils do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because this proposed rule will not change the rules for buying or add a new information collection requirement. It will not have a significant economic impact to simplify the SF 1443 and related regulations and instructions. Further, most contracts awarded to small entities use the simplified acquisition procedures or are awarded on a competitive, fixed-price basis; neither of these requires the completion of the SF 1443. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. The Councils will consider comments from small entities concerning the affected FAR Part 32, 43, 52, and 53 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 2005–032), in correspondence.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 32, 43, 52, and 53

Government procurement.

Dated: April 1, 2008.

Al Matera,

Director, Office of Acquisition Policy.

Therefore, DoD, GSA, and NASA propose amending 48 CFR parts 32, 43, 52, and 53 as set forth below:

1. The authority citation for 48 CFR parts 32, 43, 52, and 53 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 32—CONTRACT FINANCING

2. Amend Section 32.001 by adding, in alphabetical order, the definition “Liquidate” to read as follows:

32.001 Definitions.

* * * * *

Liquidate means to decrease a payment for an accepted supply item or service under a contract for the purpose of recouping financing payments previously paid to the contractor.

* * * * *

3. Amend section 32.501–3 by revising paragraphs (a)(1) and (a)(3) to read as follows:

32.501–3 Contract price.

(a) * * *

(1) Under firm-fixed price contracts, the contract price is the current amount fixed by the contract plus the not-to-exceed amount for any unpriced modifications.

* * * * *

(3) Under a fixed-price incentive contract, the contract price is the target price plus the not-to-exceed amount of unpriced modifications. However, if the contractor’s properly incurred costs exceed the target price, the contracting officer may provisionally increase the price up to the ceiling or maximum price.

* * * * *

32.503–1 [Reserved]

4. Remove and reserve section 32.503–1.

5. Amend section 32.503–6 by revising paragraphs (a)(3), (f), and (g)(1)(i) to read as follows:

32.503–6 Suspension or reduction of payments.

(a) * * *

(3) In all cases, the contracting officer shall—

(i) Act fairly and reasonably.

(ii) Base decisions on substantial evidence.

(iii) Document the contract file. Findings made under paragraph (c) of the Progress Payments clause shall be in writing.

* * * * *

(f) *Fair value of undelivered work.* Progress payments must be commensurate with the fair value of work accomplished in accordance with contract requirements. The contracting officer must adjust progress payments when necessary to ensure that the fair value of undelivered work equals or exceeds the amount of unliquidated progress payments. On loss contracts contracts, the application of a loss ratio as provided at paragraph (g) of this section constitutes this adjustment.

(g) * * *

(1) * * *

(i) Revise the current contract price used in progress payment computations (the current ceiling price under fixed-price incentive contracts) to include the not-to-exceed amount for any pending change orders and unpriced orders.

* * * * *

PART 43—CONTRACT MODIFICATIONS**43.102 [Amended]**

6. Amend section 43.102 by removing from paragraph (b) the word “maximum” and adding the word “ceiling” in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

7. Amend section 52.232–16 by revising the date of the clause; by adding paragraph (a)(9); and by revising paragraphs (c)(5) and (g) to read as follows:

52.232–16 Progress Payments.

* * * * *

PROGRESS PAYMENTS (DATE)

(a) * * *

(9) The costs applicable to items delivered, invoiced, and accepted shall not include

costs in excess of the contract price of the items.

* * * * *

(c) * * *

(5) The fair value of the undelivered work is less than the amount of unliquidated progress payments for that work.

* * * * *

(g) *Reports, forms, and access to records.*

(1) The Contractor shall promptly furnish reports, certificates, financial statements, and other pertinent information (including estimates to complete) reasonably requested by the Contracting Officer for the administration of this clause. Also, the Contractor shall give the Government reasonable opportunity to examine and verify the Contractor’s books, records, and accounts.

(2) The Contractor shall furnish estimates to complete that have been developed or updated within six months of the date of the progress payment request. The estimates to complete shall represent the Contractor’s best estimate of total costs to complete all remaining contract work required under the contract. The estimates shall include sufficient detail to permit Government verification.

(3) Each Contractor request for progress payment shall:

(i) Be submitted on Standard Form 1443, Contractor’s Request for Progress Payment, or the electronic equivalent as required by agency regulations, in accordance with the form instructions and the contract terms; and

(ii) Include any additional supporting documentation requested by the Contracting Officer.

* * * * *

PART 53—FORMS**53.232 [Amended]**

8. Amend section 53.232 by removing “(10/82)” and adding “(Date)” in its place; and by removing “, as specified in 32.503.1”.

9. Revise section 53.301–1443 to read as follows:

53.301–1443 Contractor’s Request for Progress Payments and Related Instructions.

BILLING CODE 6820–EP–S

| | | | | | | | | | | | | | |
|--|--|-------------------------|--|---------------------------------------|----------|------------------|--|-------------------|--|--|--|-------------------------|---------------------------------|
| CONTRACTOR'S REQUEST FOR PROGRESS PAYMENT | | | | Form Approved OMB Number 9000-0010 | | | | | | | | | |
| IMPORTANT: This form is to be completed in accordance with instructions on the reverse. | | | | | | | | | | | | | |
| SECTION I - IDENTIFICATION INFORMATION | | | | | | | | | | | | | |
| 1 TO NAME AND ADDRESS OF CONTRACTING OFFICE ADMINISTERING THE CONTRACT (Include ZIP Code) | | | 2 FROM NAME AND ADDRESS OF CONTRACTOR (Include ZIP Code) | | | | | | | | | | |
| PAYING OFFICE | | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">3 SMALL BUSINESS</td> <td colspan="2" style="text-align: center;">4 CONTRACT NUMBER</td> </tr> <tr> <td colspan="2" style="text-align: center;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> <td style="text-align: center;">A BASIC CONTRACT NUMBER</td> <td style="text-align: center;">B TASK OR DELIVERY ORDER NUMBER</td> </tr> </table> | | | 3 SMALL BUSINESS | | 4 CONTRACT NUMBER | | <input type="checkbox"/> YES <input type="checkbox"/> NO | | A BASIC CONTRACT NUMBER | B TASK OR DELIVERY ORDER NUMBER |
| 3 SMALL BUSINESS | | 4 CONTRACT NUMBER | | | | | | | | | | | |
| <input type="checkbox"/> YES <input type="checkbox"/> NO | | A BASIC CONTRACT NUMBER | B TASK OR DELIVERY ORDER NUMBER | | | | | | | | | | |
| 6. RATES | | | 7. DATE OF INITIAL AWARD | | | | | | | | | | |
| A. PROGRAM PAYMENTS | | B. LIQUIDATION | A. YEAR | | B. MONTH | | | | | | | | |
| 0 % | | 0 % | | | | | | | | | | | |
| 5 CONTRACT PRICE | | | 8A. PROGRESS PAYMENT REQUEST NUMBER | | | | | | | | | | |
| \$ | | | 8B. DATE OF THIS REQUEST | | | | | | | | | | |
| SECTION II - STATEMENT OF COSTS UNDER THIS CONTRACT THROUGH _____ (Date) | | | | | | | | | | | | | |
| 9. RESERVED | | | | | | | | | | | | | |
| 10. RESERVED | | | | | | | | | | | | | |
| 11. COSTS ELIGIBLE FOR PROGRESS PAYMENTS UNDER THE PROGRESS PAYMENTS CLAUSE | | | | | | | | | | | | | |
| 12a. TOTAL CONTRACT COST(S) INCURRED TO DATE | | | | | | | | | | | | | |
| b. ESTIMATED COST TO COMPLETE | | | c. TOTAL ESTIMATED COST OF PERFORMANCE | | | | | | | | | | |
| 13. ITEM 11 MULTIPLIED BY ITEM 6a | | | | | | | | | | | | | |
| 14a. FINANCING PAYMENTS PAID TO SUBCONTRACTORS | | | | | | | | | | | | | |
| b. LIQUIDATED FINANCING PAYMENTS TO SUBCONTRACTORS | | | | | | | | | | | | | |
| c. UNLIQUIDATED FINANCING PAYMENTS PAID TO SUBCONTRACTORS (Item 14a less 14b) | | | | | | | | | | | | | |
| d. SUBCONTRACT FINANCING PAYMENTS APPROVED FOR CURRENT PAYMENT | | | | | | | | | | | | | |
| e. ELIGIBLE SUBCONTRACTOR FINANCING PAYMENTS (Item 14c plus 14d) | | | | | | | | | | | | | |
| 15. TOTAL DOLLAR AMOUNT (Item 13 plus 14e) | | | | | | | | | | | | | |
| 16. ITEM 5 MULTIPLIED BY ITEM 6b | | | | | | | | | | | | | |
| 17. LESSER OF ITEM 15 OR ITEM 16 | | | | | | | | | | | | | |
| 18. TOTAL AMOUNT OF PREVIOUS PROGRESS PAYMENTS REQUESTED | | | | | | | | | | | | | |
| 19. MAXIMUM BALANCE ELIGIBLE FOR PROGRESS PAYMENTS (Item 17 less 18) | | | | | | | | | | | | | |
| SECTION III - COMPUTATION OF LIMITS FOR OUTSTANDING PROGRESS PAYMENTS | | | | | | | | | | | | | |
| 20. COMPUTATION OF PROGRESS PAYMENT CLAUSE LIMITATION | | | | | | | | | | | | | |
| a. COSTS INCLUDED IN ITEM 11, APPLICABLE TO ITEMS DELIVERED, INVOICED, AND ACCEPTED TO THE DATE IN HEADING OF SECTION II | | | | | | | | | | | | | |
| b. COSTS ELIGIBLE FOR PROGRESS PAYMENTS, APPLICABLE TO UNDELIVERED ITEMS AND TO DELIVERED ITEMS NOT INVOICED AND ACCEPTED (Item 11 less 20a) | | | | | | | | | | | | | |
| c. ITEM 20b MULTIPLIED BY ITEM 6a | | | | | | | | | | | | | |
| d. ELIGIBLE SUBCONTRACTOR FINANCING PAYMENTS (Same as Item 14e) | | | | | | | | | | | | | |
| e. LIMITATION (Item 20c plus 20d) | | | | | | | | | | | | | |
| 21. COMPUTATION OF PROGRESS PAYMENT CLAUSE LIMITATION | | | | | | | | | | | | | |
| a. CONTRACT PRICE OF ITEMS DELIVERED, ACCEPTED AND INVOICED AS OF THE DATE SHOWN IN THE HEADING OF SECTION II | | | | | | | | | | | | | |
| b. CONTRACT PRICE OF ITEMS NOT DELIVERED, ACCEPTED AND INVOICED (Item 5 less 21a) | | | | | | | | | | | | | |
| c. ITEM 21b MULTIPLIED BY ITEM 6b | | | | | | | | | | | | | |
| d. UNLIQUIDATED ADVANCE PAYMENTS PLUS ACCURED INTEREST | | | | | | | | | | | | | |
| e. LIMITATION (Item 21c less 21d) | | | | | | | | | | | | | |
| 22. MAXIMUM UNLIQUIDATED PROGRESS PAYMENTS (Lesser of Item 20e or 21e) | | | | | | | | | | | | | |
| 23. TOTAL AMOUNT LIQUIDATED AND TO BE LIQUIDATED | | | | | | | | | | | | | |
| 24. UNLIQUIDATED PROGRESS PAYMENTS (Item 18 less 23) | | | | | | | | | | | | | |
| 25. MAXIMUM PERMISSIBLE PROGRESS PAYMENTS (Item 22 less 24) | | | | | | | | | | | | | |
| 26. AMOUNT OF CURRENT INVOICE FOR PROGRESS PAYMENT (Lesser of item 25 or 19) | | | | | | | | | | | | | |
| 27. AMOUNT APPROVED BY CONTRACTING OFFICER | | | | | | | | | | | | | |
| CERTIFICATION | | | | | | | | | | | | | |
| DATE _____ | | | | | | | | | | | | | |
| I Certify that: | | | | | | | | | | | | | |
| (a) The above statement (with attachments) has been prepared from the books and records of the above-named contractor in accordance with the contract and the instructions hereon, and to the best of my knowledge and belief, that it is correct; | | | | | | | | | | | | | |
| (b) All the costs of contract performance (except as herewith reported in writing) have been paid to the extent shown herein, or where not shown as paid have been paid or will be paid currently, by the contractor, when due, in the ordinary course of business; | | | | | | | | | | | | | |
| (c) The work reflected above has been performed; | | | | | | | | | | | | | |
| (d) The quantities and amounts involved are consistent with the requirements of the contract; | | | | | | | | | | | | | |
| (e) There are no encumbrances (except as reported in writing herewith, or on previous progress payment request number _____) against the property acquired or produced for, and allocated or properly chargeable to the contract which would affect or impair the Government's title; | | | | | | | | | | | | | |
| (f) There has been no materially adverse change in the financial condition of the contractor since the contractor's (insert 'as of' date of financial information) _____ submission of its last financial information dated (insert date of prior submission/certification) _____ to the Government in connection with the contract, | | | | | | | | | | | | | |
| (g) To the extent of any contract provision limiting progress payments pending first article approval, such provision has been complied with, and | | | | | | | | | | | | | |
| (h) After the making of the requested progress payment the unliquidated progress payments will not exceed the maximum unliquidated progress payments permitted by the contract. | | | | | | | | | | | | | |
| NAME AND TITLE OF CONTRACT REPRESENTATIVE SIGNING THIS FORM | | | SIGNATURE | | | | | | | | | | |
| NAME AND TITLE OF CONTRACTING OFFICER | | | SIGNATURE | | | | | | | | | | |
| NSN 7540-01-140-5523 | | | | | | | | | | | | | |
| STANDARD FORM 1443 () | | | | | | | | | | | | | |
| Prescribed by GSA (FPR-1-16 808) FAR (48 CFR 53 232) | | | | | | | | | | | | | |

INSTRUCTIONS

GENERAL - All dollar amounts must be shown in whole dollars, rounded using a consistent methodology (e.g., always round up, always round down, always round to the nearest dollar). All line item numbers not included in the instructions below are self-explanatory.

SECTION I - IDENTIFICATION INFORMATION. Complete items 1 through 8c in accordance with the following instructions.

Item 1. TO - Enter the name and address of the cognizant Contract Administration Office (the office administering the contract).

PAYING OFFICE - Enter the designation of the paying office, as indicated on the contract.

Item 2. FROM - CONTRACTOR'S NAME AND ADDRESS/ZIP CODE - Enter the name and mailing address of the contractor. If applicable, the division of the company performing the contract should be entered immediately following the contractor's name.

Item 3. Enter an "X" in the appropriate block to indicate whether or not the contractor is a small business concern.

Item 4. Enter the contract number, including the task order number for multiple ordering agreements. Progress payment requests under individual orders shall be submitted as if the order constituted a separate contract, unless otherwise specified in this contract (FAR 52.232-16(m)).

Item 5. Enter the total contract price in accordance with the following (See FAR 32.501-3):

- (1) Under firm-fixed-price contracts, the contract price is the current amount fixed by the contract plus the not-to-exceed amount for any unpriced modifications.
- (2) If the contract is redeterminable or subject to economic price adjustment, the contract price is the initial price until modified.
- (3) Under a fixed-price incentive contract, the contract price is the target price plus the not-to-exceed amount for any unpriced modifications. However, if the contractor's properly incurred costs exceed the target price, the contracting officer may provisionally increase the price up to the ceiling or maximum price.
- (4) Under a letter contract, the contract price is the maximum amount obligated by the contract as modified.
- (5) Under an unpriced order issued against a basic ordering agreement, the contract price is the maximum amount obligated by the order, as modified.
- (6) Any portion of the contract specifically providing for reimbursement of costs only shall be excluded from the contract price.

Item 6A. PROGRESS PAYMENT RATES - Enter the 2-digit progress payment percentage rate shown in paragraph (a) (1) of the progress payment clause.

Item 6B. LIQUIDATED RATE - Enter the current progress payment liquidation rate prescribed in the contract (FAR 52.232-16(b)) using three digits - Example: show 80% as 800 - show 72.3% as 723. Decimals between tenths must be rounded up to the next highest tenth (not necessarily the nearest tenth), since rounding down would produce a rate below the minimum rate calculated (FAR 32.503-10(b) (4)).

Item 7. DATE OF INITIAL AWARD - Enter the four digit calendar year. Use two digits to indicate the month. Example: Show January 2005 as 2005/01.

Item 8A. PROGRESS PAYMENT REQUEST NUMBER - Enter the number assigned to this request. All requests under a single contract must be numbered consecutively, beginning with 1. Each subsequent request under the same contract must continue in sequence, using the same series of numbers without omission.

Item 8B. Enter the date of the request.

SECTION II - STATEMENT OF COSTS UNDER THIS CONTRACT.

Date. In the space provided in the heading enter the date through which costs have been accumulated from inception for inclusion in this request. This date is applicable to item entries in Sections II and III.

Cost Basis. In accordance with FAR 52.232-16 (a) (1), the basis for progress payments is the contractor's total costs incurred under this contract, whether or not actually paid, plus financing payments to subcontractors (computed in accordance with FAR 52.232-16(j)), less the sum of all previous progress payments made by the Government under this contract.

Item 11. Costs eligible for progress payments under the progress payments clause. Compute the eligible costs in accordance with the requirements at FAR 52.232-16(a)(1) through (4). First articles: Before first article approval, the acquisition of materials or components for, or the commencement of production of, the balance of the contract quantity is at the sole risk of the contractor. Before the first article approval, the costs thereof shall not be allowable for purposes of progress payments. (See FAR 52.209-3(g) and FAR 52.209-4(h)).

Item 12a. Enter the total contract costs incurred to date; if the actual amount is not known, enter the best possible estimate. If an estimate is used, enter (E) after the amount.

Item 12b. Enter the estimated cost to complete the contract. The contractor shall furnish estimates to complete that have been developed or updated within six months of the date of the progress payment request. The estimates to complete shall represent the contractor's best estimate of total costs to complete all remaining contract work required under the contract. The estimates shall include sufficient detail to permit Government verification.

Items 14a through 14e. Include only financing payments (progress payments, performance-based payments, and commercial item financing) on subcontracts which are in accordance with the requirements of FAR 52.232-16(j).

Item 14a. Enter only financing payments actually paid.

Item 14b. Enter total financing payments recouped from subcontractors.

Item 14d. Include the amount of unpaid subcontract progress payment billings which have been approved by the contractor for the current payment in the ordinary course of business.

SECTION III - ADVANCE PAYMENTS/ACCEPTED ITEMS. This Section must be completed only if the contractor has received advance payments against this contract, or if the items have been delivered, invoiced and accepted as of the date indicated in the heading of Section II above.

EXCEPTION: Item 27 must be completed for all progress payment requests where the line 12c amount exceeds the amount on Line 5.

Item 20a. Of the costs reported in Item 11, compute and enter only costs which are properly allocable to items delivered, invoiced and accepted to the applicable date. In order of preference, these costs are to be computed on the basis of one of the following: (a) The actual unit cost of items delivered, giving proper consideration to the deferment of the starting load costs or (b) projected unit costs (based on experienced costs plus the estimated cost to complete the contract), where the contractor maintains cost data which will clearly establish the reliability of such estimates.

Item 23. Enter total progress payments liquidated (monies recouped from the contractor on prior billings) and those to be liquidated from billings submitted but not yet paid (monies to be recouped from the contractor on submitted but unpaid billings).

Item 26. If no financial information has been provided previously in connection with this contract, insert "N/A" in the submission date block and the financial information date block. Otherwise, insert respectively, the date of the last submission and the "as of" date of the financial information submitted last.

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