**DFARS Case 2021-D008**

**Prompt Payment of Contractors**

**Final Rule**

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**PART 212—ACQUISITION OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES**

**\* \* \* \* \***

**SUBPART 212.3—SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES**

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**212.301 Solicitation provisions and contract clauses for the acquisition of commercial products and commercial services.**

**\* \* \* \* \***

(f) **\* \* \***

**\* \* \* \* \***

(xiv) *Part 232—Contract Financing.*

**\* \* \* \* \***

~~(G) Use the clause at 252.232-7017, Accelerating Payments to Small Business Subcontractors—Prohibition on Fees and Consideration, as prescribed in 232.009-2(2), to comply with 10 U.S.C. 3801.~~

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**PART 232—CONTRACT FINANCING**

**\* \* \* \* \***

**232.009 Providing accelerated payments to small business [contractors and to prime contractors that] subcontract~~ors~~ [with a small business concern].**

**232.009-1 General.**

~~Section 852 of the National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232)~~**[10 U.S.C. 3801(b)]** requires DoD to provide accelerated payments to small business contractors and subcontractors, to the fullest extent permitted by law, with a goal of 15 days.

**~~232.009-2 Contract clause.~~**

~~Use the clause at~~ [~~252.232-7017~~](https://www.acq.osd.mil/dpap/dars/dfars/html/current/252232.htm#252.232-7017)~~, Accelerating Payments to Small Business Subcontractors—Prohibition on Fees and Consideration, in solicitations and contracts, including those using FAR part 12 procedures for the acquisition of commercial products and commercial services, that include the clause at FAR 52.232-40, Providing Accelerated Payments to Small Business Subcontractors.~~

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**SUBPART 232.9—PROMPT PAYMENT**

**\* \* \* \* \***

**232.903 Responsibilities**.

In accordance with 10 U.S.C. 3801(b), DoD shall assist small business concerns by providing payment as quickly as possible, to the fullest extent permitted by law, with a goal of 15 days after receipt of proper invoices and all required documentation, including acceptance, and before normal payment due dates established in the contract (see [232.906](https://www.acq.osd.mil/dpap/dars/dfars/html/current/232_9.htm" \l "232.906" \t "_blank)(a)).

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**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

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**252.232-7017 [Reserved.]~~Accelerating Payments to Small Business Subcontractors—Prohibition on Fees and Consideration.~~**

~~As prescribed in~~ [~~232.009-2~~](https://www.acq.osd.mil/dpap/dars/dfars/html/current/232_0.htm#232.009-2)~~, use the following clause:~~

~~ACCELERATING PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS—PROHIBITION ON FEES AND CONSIDERATION (JAN 2023)~~

~~(a)~~ *~~Definition~~*~~. “Accelerated payment,” as used in this clause, means a payment made to a small business subcontractor as quickly as possible, with a goal of 15 days or less after receipt of payment from the Government or receipt of a proper invoice from the subcontractor, whichever is later.~~

~~(b) In accordance with 10 U.S.C. 3801(b)(2), the Contractor shall not require any further consideration from or charge fees to the small business subcontractor when making accelerated payments, as defined in paragraph (a) of this clause, to subcontractors under the clause at FAR 52.232-40, Providing Accelerated Payments to Small Business Subcontractors.~~

~~(c)~~ *~~Subcontracts~~*~~. Include the substance of this clause, including this paragraph (c), in all subcontracts with small business concerns, including those for the acquisition of commercial products or commercial services.~~

~~(End of clause)~~

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