



July 30, 2019

Department of Defense
Defense Acquisition Regulations System
Docket No. DARS-2019-0025
Room 3B941
3060 Defense Pentagon
Washington, DC 20301

Re: Defense Federal Acquisition Regulation Supplement: Prompt Payments of Small Business Contractors

Dear Director Neilson:

On behalf of the National Demolition Association (NDA), we respectfully submit the following comments regarding the Department of Defense's (DoD) proposed rule titled "Defense Federal Acquisition Regulation Supplement: Prompt Payments of Small Business Contractors." The National Demolition Association represents nearly 500 companies that offer standard demolition services as well as a full range of demolition-related services and products. We educate members on the latest advances in equipment and services, provide educational programs and tools to stay abreast of regulatory and safety matters, help keep regulators informed about issues in our industry, and increase public awareness of the economic and societal benefits of demolition.

According to the Federal Register published on May 31, 2019, the DoD's proposed rule would amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 852 of the National Defense Authorization Act for Fiscal Year 2019 which provides for accelerated payments to small business contractors and subcontractors. Specifically, the proposed rule would:

- Require DoD to establish an accelerated payment date for small business contractors, with a goal of 15 days after receipt of a proper invoice if a specific payment date is not established by contract;
- Require DoD to establish an accelerated payment date for contractors that subcontract with small businesses, with a goal of 15 days after receipt of a proper invoice, if: (1) A specific payment date is not established by contract, and (2) the contractor agrees to make accelerated payments to the subcontractor without any further consideration from, or fees charged to, the subcontractor;
- Prohibit contractors from requiring any further consideration from, or charging fees to, their small business subcontractors when making accelerated payments under this rule.

NDA strongly supports efforts by the DoD to provide accelerated payments to small business contractors and subcontractors as required by Congress in the FY 2019 NDAA. Our members are among the estimated 40,282 contractors that engage in business with the DoD and stand to receive accelerated payments under this proposed rule. As DoD considers comments on this proposed rule, NDA suggests that DoD address the protocol and mechanisms for grievance should payments become past due after the 15 day threshold. This will ensure that small business contractors are able to address issues with payments should delays occur.

Ensuring timely payment to contractors will certainly help boost the economy and spur job creation by freeing up much needed capital for small businesses.

Thank you for the opportunity to provide comment on this issue. Please contact Kevin McKenney at kmckenney@demolitionassociation.com or 202-367-2480 with questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lambert". The signature is fluid and cursive, with a large initial "J" and "L".

Jeff Lambert
Chief Executive Officer