41.501 Solicitation provision and contract clauses.

(a) Because the terms and conditions under which utility suppliers furnish service *may* vary from area to area, the differences *may* influence the terms and conditions appropriate to a particular utility's *contracting* situation. To accommodate requirements that are peculiar to the *contracting* situation, this section prescribes provisions and clauses on a "substantially the same as" basis (see 52.101) which permits the *contracting officer* to prepare and utilize variations of the prescribed provision and clauses in accordance with agency procedures.

(b) The *contracting officer shall* insert in *solicitations* for utility services a provision substantially the same as the provision at 52.241-1, Electric Service Territory Compliance Representation, when proposals from alternative electric suppliers are sought.

(c) The *contracting officer shall* insert in *solicitations* and contracts for utility services clauses substantially the same as the clauses at-

(1) 52.241-2, Order of Precedence-Utilities;

(2) 52.241-3, Scope and Duration of Contract;

(3) 52.241-4, Change in Class of Service;

(4) 52.241-5, Contractor's Facilities; and

(5) 52.241-6, Service Provisions.

(d) The *contracting officer shall* insert clauses substantially the same as the clauses listed below in *solicitations* and contracts under the prescribed conditions-

(1) 52.241-7, Change in Rates or Terms and Conditions of Service for Regulated Services, when the utility services are subject to a regulatory body. (Except for GSA areawide contracts, the *contracting officer shall* insert in the blank space provided in the clause the name of the *contracting officer*. For GSA areawide contracts, the *contracting officer shall* insert the following: "GSA and each areawide customer with annual billings that exceed $250,000").

(2) 52.241-8, Change in Rates or Terms and Conditions of Service for Unregulated Services, when the utility services are not subject to a regulatory body.

(3) 52.241-9, Connection Charge, when a refundable connection charge is required to be paid by the Government to compensate the contractor for furnishing additional facilities necessary to supply service. (Use AlternateI to the clause if a nonrefundable charge is to be paid. When conditions require the incorporation of a nonrecurring, nonrefundable service charge or a termination liability, see paragraphs (d)(6) and (d)(4) of this section).

(4) 52.241-10, Termination Liability, when payment is to be made to the contractor upon termination of service in conjunction with or in lieu of a connection charge upon completion of the facilities.

(5) 52.241-11, Multiple Service Locations (as defined in 41.101), when providing for possible alternative service locations, except under areawide contracts, is required.

(6) 52.241-12, Nonrefundable, Nonrecurring Service Charge, when the Government is required to pay a nonrefundable, nonrecurring membership fee, a charge for initiation of service, or a contribution for the cost of facilities *construction*. The Government *may* provide for inclusion of such agreed amount or fee as a part of the connection charge, a part of the initial payment for services, or as periodic payments to fulfill the Government's obligation.

(7) 52.241-13, Capital Credits, when the Federal Government is a member of a cooperative and is entitled to capital credits, consistent with the bylaws and governing documents of the cooperative.

(e) Depending on the conditions that are appropriate for each *acquisition*, the *contracting officer shall* also insert in *solicitations* and contracts for utility services the provisions and clauses prescribed elsewhere in the FAR.

Parent topic: Subpart 41.5 - Solicitation Provision and Contract Clauses