

Subpart 41.5 - Solicitation Provision and Contract Clauses

Parent topic: [Part 41 - Acquisition of Utility Services](#)

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 Alternate I 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.