

**239.7409 Special assembly.**

(a) Special assembly is the designing, manufacturing, arranging, assembling, or wiring of equipment to provide telecommunications services that cannot be provided with general use equipment.

(b) Special assembly rates and charges shall be based on estimated costs. The contracting officer shall negotiate special assembly rates and charges before starting service whenever possible. When it is not possible to negotiate in advance, use provisional rates and charges subject to adjustment, until final rates and charges are negotiated. The CSAs authorizing the special assembly shall be modified to reflect negotiated final rates and charges.

**239.7410 Cancellation and termination.**

(a)(1) Cancellation is stopping a requirement after placing of an order but before service starts.

(2) Termination is stopping a requirement after placing an order and after service starts.

(b) Determine cancellation or termination charges under the provisions of the applicable tariff or agreement/contract.

**239.7411 Contract clauses.**

(a) In addition to other appropriate FAR and DFARS clauses, use the following clauses in solicitations, contracts, and basic agreements for telecommunications services. Modify the clauses only if necessary to meet the requirements of a governmental regulatory agency—

- (1) 252.239-7002, Access;
- (2) 252.239-7003, Facilities and Services to be Furnished—Common Carriers;
- (3) 252.239-7004, Orders for Facilities and Services—Common Carriers;
- (4) 252.239-7005, Rates, Charges, and Services—Common Carriers;
- (5) 252.239-7006, Tariff Information;
- (6) 252.239-7007, Cancellation or Termination of Orders—Common Carriers;
- (7) 252.239-7008, Reuse Arrangements.

(b) Use the following clauses in solicitations, contracts, and basic agreements for telecommunications services when the acquisition includes or may include special construction. Modify

the clauses only if necessary to meet the requirements of a governmental regulatory agency—

- (1) 252.239-7011, Special Construction and Equipment Charges; and
- (2) 252.239-7012, Title to Telecommunication Facilities and Equipment.

(c) Use the following clauses in basic agreements for telecommunications services—

- (1) 252.239-7013, Obligation of the Government;
- (2) 252.239-7014, Term of Agreement, and insert the effective date of the agreement in paragraph (a) of the clause; and
- (3) 252.239-7015, Continuation of Communication Service Authorizations, as appropriate, and insert in paragraph (a) of the clause, the name of the contracting office and the basic agreement or contract number which is being superseded.

(d) Use the clause at 252.239-7016, Telecommunications Security Equipment, Devices, Techniques, and Services, in solicitations and contracts when performance of a contract requires a securing telecommunications.

[56 FR 36429, July 31, 1991, as amended at 57 FR 42632, Sept. 15, 1992; 62 FR 40473, July 29, 1997]

**Subpart 239.75—Appropriations Act Restrictions**

SOURCE: 57 FR 14995, Apr. 23, 1992, unless otherwise noted.

**239.7500 Scope of subpart.**

This subpart contains restrictions on the acquisition of information technology, imposed by Defense appropriations acts.

[57 FR 14995, Apr. 23, 1992, as amended at 62 FR 34127, June 24, 1997]

**239.7501 Major automated information systems restriction.**

Section 8028 of the FY 1992 Defense Appropriations Act (Pub. L. 102-172) and similar sections of the FY 1993, FY 1994, and FY 1995 Defense appropriations acts prohibit use of DoD appropriations for acquisition of major automated information systems, unless the systems have successfully completed

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oversight reviews required by DoD regulations.

[62 FR 1060, Jan. 8, 1997]

### PART 241—ACQUISITION OF UTILITY SERVICES

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AUTHORITY: 48 U.S.C. 421 and 48 CFR Chapter 1.

SOURCE: 63 FR 11539, Mar. 9, 1998, unless otherwise noted.

#### Subpart 241.1—General

##### 241.101 Definitions.

As used in this part—

*Definite term contract* means a contract for utility services for a definite period of not less than one nor more than ten years.

*Dual service area* means a geographical area in which two or more utility suppliers are authorized under State law to provide services.

*Indefinite term contract* means a month-to-month contract for utility services which may be terminated by the Government upon proper notice.

*Independent regulatory body* means the Federal Energy Regulatory Commission, a state-wide agency, or an agency with less than state-wide jurisdiction when operating pursuant to state authority. The body has the power to fix, establish, or control the rates and services of utility suppliers.

*Nonindependent regulatory body* means a body that regulates a utility supplier which is owned or operated by the

same entity that created the regulatory body, e.g., a municipal utility.

*Regulated utility supplier* means a utility supplier regulated by an independent regulatory body.

*Service power procurement officer* means for the—

Army, the Chief of Engineers;

Navy, the Commander, Naval Facilities Engineering Command;

Air Force, the head of a contracting activity; and

Defense Logistics Agency, the Executive Director of Contracting.

##### 241.102 Applicability.

(a) This part applies to purchase of utility services from nonregulated and regulated utility suppliers. It includes the acquisition of liquefied petroleum gas as a utility service when purchased from regulated utility suppliers.

(b)(7) This part does not apply to third party financed projects. However, it may be used for any purchased utility services directly resulting from such projects, including those authorized by—

(A) 10 U.S.C. 2394 for energy, fuels, and energy production facilities for periods not to exceed 30 years;

(B) 10 U.S.C. 2394a for renewable energy for periods not to exceed 25 years;

(C) 10 U.S.C. 2689 for geothermal resources that result in energy production facilities;

(D) 10 U.S.C. 2809 for potable and waste water treatment plants for periods not to exceed 32 years; and

(E) 10 U.S.C. 2812 for lease/purchase of energy production facilities for periods not to exceed 32 years.

##### 241.103 Statutory and delegated authority.

The contracting officer may enter into a utility service contract related to the conveyance of a utility system for a period not to exceed 50 years (10 U.S.C. 2688(c)(3)).

[65 FR 2059, Jan. 13, 2000; 65 FR 19818, Apr. 12, 2000]