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.

(1) 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(d)(2)).

(2) See 217.174 for authority to enter into multiyear contracts for electricity from renewable energy sources.

(3) See PGI 241.103 for statutory authorities and maximum contract periods for utility and energy contracts.

Subpart 241.2—Acquiring Utility Services

241.201 Policy.

(1) DoD, as a matter of comity, generally complies with the current regulations, practices, and decisions of independent regulatory bodies. This policy does not extend to nonindependent regulatory bodies.

(2) Purchases of utility services outside the United States may use—

(i) Formats and technical provisions consistent with local practice; and

(ii) Dual language forms and contracts.

(3) Rates established by an independent regulatory body—

(i) Are considered "prices set by law or regulation":

(ii) Are sufficient to set prices without obtaining certified cost or pricing data (see FAR subpart 15.4); and

(iii) Are a valid basis on which prices can be determined fair and reasonable.

(4) Compliance with the regulations, practices, and decisions of independent regulatory bodies as a matter of comity is not a substitute for the procedures at FAR 41.202(a).
pay certain nonrefundable, non-
recurring charges including service ini-
tiation charges, a contribution in aid of construction, membership fees, and charges required by the supplier’s rules and regulations to be paid by the cus-
tomer. If possible, consider sharing with other than Government users the use of (and costs for) facilities when large nonrefundable charges are re-
quired.

(2) Construction and labor require-
ments. Follow the procedures at PGI 241.202(2) for construction and labor re-
quirements associated with connection and service charges.

[71 FR 3417, Jan. 23, 2006]

241.205 Separate contracts.

Follow the procedures at PGI 241.205 when acquiring utility services by sep-
erate contract.

[71 FR 3417, Jan. 23, 2006]

Subpart 241.5—Solicitation
Provision and Contract Clauses

241.501 Solicitation provision and con-
tact clauses.

(d)(1) Use a clause substantially the
same as the clause at FAR 52.241–7,
Change in Rates or Terms and Condi-
tions of Service for Regulated Services, when the utility services to be provided
are subject to an independent regu-
latory body.

(2) Use a clause substantially the
same as the clause at FAR 52.241–8,
Change in Rates or Terms and Condi-
tions of Service for Unregulated Serv-
ces, when the utility services to be
provided are not subject to a regu-
latory body or are subject to a non-
independent regulatory body.

[71 FR 3418, Jan. 23, 2006]

241.501–70 Additional clauses.

(a) If the Government must execute a
superseding contract and capital cred-
its, connection charge credits, or ter-
mination liability exist, use the clause at 252.241–7000, Superseding Contract.

(b) Use the clause at 252.241–70001,
Government Access, when the clause at
FAR 52.241–5, Contractor’s Facilities, is
used.