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§ 216.1 Filing of proposed contract

(a) Every public utility company subject to the jurisdiction of this commission shall file with this commission one copy of every proposed cost-plus contract or agreement, including those contracts or agreements in which the payment to be made by the utility is based on time and material consumed regardless of the number of units completed, for the construction, improvement or extension of its plant, works or system exceeding in amount \$ 100,000 in any calendar year, and a list of any other offers received, and such contract or agreement shall not become effective until it has been on file with this commission for 30 days, or until the commission has notified the utility that such contract or agreement may be made effective immediately. If this commission, during said period of 30 days, shall determine that the public interest requires that the contract or agreement for the work proposed to be performed shall be let after public bidding, and shall so notify the public utility company, the filed contract or agreement shall not become effective, but the public utility shall proceed to make a public offering of the proposed work in accordance with the direction of this commission.

(b) When the accumulated amount of all other such contracts or agreements awarded to a single contractor in any calendar year has exceeded \$ 100,000, a list of such contracts, including any other offers received, shall be filed with this commission by March 1 of the succeeding year.

§ 216.2 Subcontract on cost-plus basis

In view of the fact that a so-called subcontract covering any part of the work to be performed under a cost-plus contract or agreement entered into by a public utility company is, in effect, the contract or agreement of the public utility company within the meaning of section 115 of the Public Service Law, every such subcontract on a cost-plus basis, proposed to be let under a principal contract or agreement which is subject to section 216.1 hereof, shall be filed with this commission in accordance with the requirements of provisions of such section. All such contracts or agreements shall contain suitable provisions to give effect to the provisions hereof. This section shall not apply to a subcontract which provides by its terms that the maximum payment thereunder shall not exceed the sum of \$ 5,000.

§ 216.3 Emergency contract

In case a storm, flood, accident or similar emergency requires that a contract or agreement be made without complying with the foregoing provisions of this Part, in order to maintain or restore the company's service, immediate notice shall be given to the commission by telegram of the making of such contract or agreement, and a copy thereof shall be filed as soon as possible, but not later than 10 days after the making thereof, and such contract or agreement shall be exempted from the other provisions of this Part.

§ 216.4 Quarterly filing of contract

Every public utility company subject to the jurisdiction of this commission shall file with this commission quarterly, one copy of every contract or agreement for the construction, improvement, extension or maintenance of its plant, works or system exceeding in amount \$ 1,000,000 in any calendar year, and a list of any other offers received.

§ 216.5 Waiver of rule

Any public utility company may apply to this commission for a waiver or modification of all or part of the requirements of this Part upon a showing that compliance therewith would be impracticable or unduly burdensome in connection with a particular project, contract or agreement.