

**Part 481 - Contracts or Agreements for the Construction, Improvement, Extension or Maintenance of Utility Plants**

**§ 481.1 Filing of proposed contract.**

(a) Every public utility company subject to the jurisdiction of this [c]Commission shall file, in accordance with the requirements of § 3.5 of this Title, with this [c]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 [c]Commission for 30 days, or until the [c]Commission has notified the utility that such contract or agreement may be made effective immediately. If [this commission,] during [said] the 30 day period, [of 30 days, shall determine that] the Commission determines that it is in the public interest for [requires that] the contract or agreement for the work proposed to be performed [shall] to be let after public bidding, the Commission will [and shall so] notify the public utility company, and the filed contract or agreement [shall] will not become effective[,]. In such circumstances [but] the public utility shall proceed to make a public offering of the proposed work in accordance with the direction of [this] the [c]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, in accordance with the requirements of § 3.5 of this Title, with [this] the [c]ommission by March 1 of the succeeding year.

**§ 481.2 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]§ 481.1 hereof, shall be filed, in accordance with the requirements of § 3.5 of this Title, with the [c]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] of this Part. 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.

### **§ 481.3 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 [c]Commission by tele[gram]phone of the making of such contract or agreement, and a copy thereof shall be filed, in accordance with the requirements of § 3.5 of this Title, 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.