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1755.900 RUS specification for filled fiber optic cables.
1755.910 RUS specification for outside plant housings and serving area interface systems.

AUTHORITY: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

§§ 1755.1–1755.2 [Reserved]

§ 1755.3 Field trials.

(a) Except as covered in Bulletin 345–3, no loan funds shall be advanced for any product if any item to be included in the project is not included in the “List of Materials Acceptable for Use on Telephone Systems of RUS Borrowers,” RUS Bulletin 344–2. When new items of materials or equipment are considered for acceptance by RUS or when a previously accepted item has been subjected to such major modifications that its suitability cannot be determined based on laboratory data and/or field experience, a field trial shall be required if RUS so determines. This field trial consists of limited field installations of the materials or equipment in closely monitored situations designed to determine, to RUS’s satisfaction, their operational effectiveness under actual field conditions. Field trials are to be used only as a means for determining, to RUS’s satisfaction, the operational effectiveness of a new or revised product under actual field conditions. Both the manufacturer and borrower are responsible for assuring that the field trial is carried out and that the required information on the product’s performance is received by RUS in a timely manner. The use of materials or equipment derived from new inventions or concepts untried within the telephone industry is defined as “an experiment” and shall be handled as a special case using procedures considered appropriate by RUS to meet the individual experiment.

(b) To qualify for a field trial, the new and improved materials and equipment must appear to RUS to offer one or more of the following benefits:

- (1) Improved performance.
- (2) Decreased cost.
- (3) Broader application.

(c) The item of material or equipment subject to field trial may be only part of the total amount of materials or equipment included in a bid or it

may be the key component of the facility or system provided; therefore, RUS shall have authority to require that a satisfactory plan be provided to maintain or restore service in the event that the materials and equipment fail to meet established performance requirements. RUS shall limit the quantity of new materials and equipment installed on any field trial and shall also limit the number of field trials for a given product to what RUS considers reasonable to provide the necessary information.

(d) A borrower may participate in a field trial only if, in RUS's opinion, the borrower possesses:

(1) Adequate financial resources so that no delay in the project will result from lack of funds.

(2) The financial stability to overcome difficulties which may result from an unsuccessful field trial. The borrower must be able to restore and maintain service until the manufacturer meets its financial obligations with respect to the field trial.

(3) Qualified personnel to enable it to discharge its responsibilities.

(4) A record satisfactory to RUS for maintaining equipment and plant facilities and for providing RUS with information when requested.

(5) Willingness to participate in the field trial and awareness of the effort and responsibility this entails.

(e) The test site for the field trial shall be, in RUS's opinion, readily accessible and provide the conditions, such as temperature extremes, high probability of lightning damage, etc., for which the product is being evaluated. The material or equipment involved shall be covered by an RUS specification or a suitable standard acceptable to RUS. The supplier is required to submit test data to show conformance with the applicable specification or standard. Further testing shall be performed if required by RUS personnel.

(f) A field trial shall normally continue for a minimum of six months, or for a longer period of time determined by RUS to be required to obtain conclusive data that the item either fulfills all requirements or is unacceptable. Either the borrower or supplier may terminate a field trial at any

time, in accordance with their contractual agreement. Such termination, if prior to the time required by RUS, shall constitute withdrawal of the product from consideration by RUS. RUS has authority to terminate field trials based on its determination that the equipment is not performing satisfactorily and that this lack of performance may, in RUS's opinion, cause service degradation or hazards to life or property.

(g) Field trials shall be conducted in accordance with the instructions set forth in this regulation and the agreement relating to the specific application. Both the supplier and the borrower shall agree, and obtain RUS approval before the start of the trial, on the following:

(1) The specific purpose of the field trial;

(2) Ownership of items during trial;

(3) Starting date and duration;

(4) Responsibility for costs and removal of items in the event of non-compliance with the specification or purpose intended and arrangements for service continuity or restoration;

(5) Responsibility for testing, test equipment and normal operation and maintenance during the trial period;

(6) Availability of test equipment on site during the trial period; and

(7) Responsibility for spare parts and components consumed during the trial period.

(h) Both the supplier and the borrower shall keep RUS informed of the status of a field trial. These reports shall not be limited to details of problems of failures encountered during installation and subsequent operation but shall include information on progress of the field trial. If these reports are not received in accordance with the requirements of the RUS Form 399b, RUS shall have the authority to deny or suspend loan funds related to these products until the delinquent reports are received.

(i) Before a borrower purchases materials or equipment that require a field trial, prior approval must be obtained from RUS and RUS Form 399b, RUS Telecommunications Equipment Field Trial (available from the Director, Administrative Services Division, Rural Utilities Service, Room 0175, South

Building, U.S. Department of Agriculture, Washington, DC 20250) will be completed by RUS and must be signed by both the borrower and supplier as an indication that they understand their responsibilities in the field trial. Assurance must also be obtained from RUS that the "particular item" that is the subject of the field test is eligible for a field trial. To obtain this assurance, any proposal for use of an item on a field trial basis shall be forwarded to the Chief, Area Engineering Branch, for review and approval.

(j) Procedures for establishing field trials for the various categories of equipment after RUS has approved the 399b:

(1) *Electronic transmission equipment.* The procedure set forth in Bulletin 385-2 "Purchasing and Installing Special Electronic Equipment" shall be followed except that the Special Equipment Contract (Including Installation), RUS Form 397, shall be used in all purchases of electronic equipment for field trials. In addition, the borrower and supplier shall execute three copies of a "Supplemental Agreement to Equipment Contract for Field Trial," RUS Form 399, or a "Supplemental Agreement to Equipment Contract for Field Trial (Secondary—Delivery, Installation, Operation)", RUS Form 399a, as well as three copies of the RUS Form 399b, "RUS Telecommunications Equipment Field Trial", and forward them, together with three copies of the executed contract and specifications, to the Chief, Area Engineering Branch. A limited number of copies of RUS Forms 399, 399a, and 399b are available from RUS upon request from the Director, Administrative Services Division, Rural Utilities Service, Room 0175, South Building, U.S. Department of Agriculture, Washington, DC 20250. Additional copies may be reproduced by the user as needed. This category includes:

- (i) Voice frequency repeaters;
- (ii) Trunk carriers;
- (iii) Subscriber carrier;
- (iv) Point-to-point radio (Micro-wave);
- (v) Coaxial cable system electronics;
- (vi) Fiber optic cable system electronics;
- (vii) Multiplex equipment;

(viii) Mobile and fixed radio-telephone; and

(ix) Other items of electronic equipment associated with transmission.

(2) *Central office equipment.* The procedure set forth in Bulletin 384-1 "Purchasing and Installing Central Office Equipment" shall be followed except that "The Central Office Equipment Contract (Including Installation)", RUS Form 525, shall be used to purchase switching equipment for field trials. In addition, the borrower and supplier shall execute three copies of a "Supplemental Agreement to Equipment Contract for Field Trial," RUS Form 399, or a "Supplemental Agreement to Equipment Contract for Field Trial (Secondary—Delivery, Installation, Operation)", RUS Form 399a, as the case may be, as well as three copies of the RUS Form 399b, "RUS Telecommunications Equipment Field Trial", and forward them, together with three copies of the executed contract and specification to the Chief, Area Engineering Branch. This category includes:

- (i) Central office dial equipment;
- (ii) Direct distance dialing equipment;
- (iii) Automatic number identification equipment;
- (iv) Line concentrators;
- (v) Remote switching equipment; and
- (vi) All other items of equipment associated with switching equipment, such as loop extenders.

(3) Protection equipment and materials, outside plant equipment and materials, and all other equipment and materials, which includes all items not covered in paragraph (j) (1) or (2) of this section, shall be handled as described in Bulletin 344-1 "Methods of Purchasing Materials and Equipment for Use on Systems of Telephone Borrowers" except that the borrower's purchase order form is to be used for purchasing materials and equipment in these categories. In addition, the borrower and supplier shall execute three copies of the "Supplemental Agreement to Equipment Contract for Field Trial," RUS Form 399, or a "Supplemental Agreement to Equipment Contract for Field Trial (Secondary—Delivery, Installation, Operation)", RUS Form 399a, as the case may be, as well

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as three copies of the RUS Form 399b, "RUS Telecommunications Field Trial", and forward them, together with three copies of the purchase order to the Chief, Area Engineering Branch.

(k) For all items except Electronic Central Office Equipment, suppliers and manufacturers must furnish warranties or guarantees satisfactory to RUS against the failure of the material and equipment used in the field trial. Terms of this warranty must not be less than the provisions of the standard warranty included in the "Telephone System Construction Contract", RUS Form 515, or the warranty provided for similar materials and equipment included in the "List of Materials Acceptable for Use on Telephone Systems of RUS Borrowers", RUS Bulletin 344-2. In lieu of a warranty, materials and equipment are sometimes furnished to RUS borrowers on a reduced or no cost basis. Terms of such arrangements are subject to RUS approval and should be fully covered in field trial proposals forwarded by borrowers to the Chief, Area Engineering Branch for review and approval. For the purchase of electronic central office equipment, suppliers and manufacturers are to provide warranties as provided in the applicable RUS contract form: RUS Form 397 for electronic equipment and RUS Form 525 for central office equipment. Forms 399 and 399a, which apply to field trials of these devices, specify that the term of the warranty does not begin until the satisfactory conclusion of the field trial.

[49 FR 28394, July 12, 1984. Redesignated at 55 FR 39397, Sept. 27, 1990]

§§ 1755.4-1755.25 [Reserved]

§ 1755.26 RUS standard contract forms.

(a) The standard loan agreement between RUS and its borrowers provides that, in accordance with applicable RUS regulations, borrowers shall use standard contract forms promulgated by RUS for construction, procurement, engineering services, and architectural services financed by a loan or guaranteed by RUS. This part implements these provisions of the RUS loan agreement and prescribes the procedures that RUS follows in promulgating

standard contract forms that borrowers are required to use. Part 1753 prescribes when and how borrowers are required to use these standard forms of contracts.

(b) *Contract forms.* RUS promulgates standard contract forms, identified in §1755.30(c), List of Standard Contract Forms, that borrowers are required to use.

[64 FR 6500, Feb. 10, 1999]

§ 1755.27 Borrower contractual obligations.

(a) *Loan agreement.* As a condition of a loan or loan guaranteed under the RE Act, borrowers are normally required to enter into RUS loan agreements pursuant to which the borrowers agree to use RUS standard contract forms for construction, procurement, engineering services, and architectural services financed in whole or in part by the RUS loan. To comply with the provisions of the loan agreements as implemented by this part, borrowers must use those contract forms identified in the list of telecommunications standard contract forms, set forth in §1755.30(c) of this part.

(b) *Compliance.* (1) If a borrower is required by part 1753 to use a listed contract form, the borrower shall use the listed contract form in the format available from RUS. The forms shall not be retyped, changed, modified, or altered in any manner not specifically authorized in this part or approved by RUS in writing. Any modifications approved by RUS must be clearly shown so as to indicate the difference from the listed contract form.

(2) The borrower may use electronic reproductions of a contract form if the contract documents submitted for RUS approval are exact reproductions of the RUS form and include the following certification by the borrower: I (Insert name of the person.), certify that the attached (Insert name of the contract form.), between (Insert name of the parties.), dated (Insert contract date.) is an exact reproduction of RUS Form (Insert form number), dated (Insert date of RUS form).

(Signature)