

§ 1755.28

(Title)

(Employer's Address)

(c) *Amendment.* Where a borrower has entered into a contract in the form required by 7 CFR part 1753, no change may be made in the terms of the contract, by amendment, waiver or otherwise, without the prior written approval of RUS.

(d) *Waiver.* RUS may waive for good cause, on a case-by-case basis, the requirements imposed on a borrower pursuant to this part. Borrowers seeking an RUS waiver must provide RUS with a written request explaining the need for the waiver.

(e) *Violations.* A failure on the part of the borrower to use listed contracts as prescribed in 7 CFR part 1753 is a violation of the terms of the loan agreement with RUS and RUS may exercise any and all remedies available under the terms of the agreement or otherwise.

[64 FR 6500, Feb. 10, 1999]

§ 1755.28 Notice and publication of listed contract forms.

(a) *Notice.* Upon initially entering a loan agreement with RUS, borrowers will be provided with all listed contract forms. Thereafter, new or revised listed contract forms promulgated by RUS, including RUS approved exceptions and alternatives, will be sent by regular or electronic mail to the borrower's address as identified in its loan agreement with RUS.

(b) *Availability.* Listed contract forms are published by RUS. Interested parties may obtain the forms from the Rural Utilities Service, Program Development and Regulatory Analysis, U.S. Department of Agriculture, Stop 1522, Washington DC 20250-1522, telephone number (202) 720-8674. The list of contract forms can be found in § 1755.30(c).

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§ 1755.29 Promulgation of new or revised contract forms.

RUS may, from time to time, promulgate new contract forms or revise or eliminate existing contract forms. In so doing, RUS shall publish a notice of rulemaking in the FEDERAL REGISTER announcing, as appropriate, a re-

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vision in, or a proposal to amend § 1755.30(c), List of telecommunications standard contract forms. The amendment may change the existing identification of a listed contract form by, for example, changing the issuance date of the listed contract form or identifying a new required contract form. The notice of rulemaking will describe the new standard contract form or substantive change in the listed contract form, as the case may be, and the issues involved. The standard contract form or relevant portions thereof may be appended to the supplementary information section of the notice of rulemaking. As appropriate, the notice of rulemaking shall provide an opportunity for interested persons to provide comments. RUS shall send, by regular or electronic mail, a copy of each such FEDERAL REGISTER document to all borrowers.

[64 FR 6500, Feb. 10, 1999]

§ 1755.30 List of telecommunications standard contract forms.

(a) *General.* The following is a list of RUS telecommunications program standard contract forms for procurement, construction, engineering services, and architectural services. Borrowers are required to use these contract forms by the terms of their RUS loan agreements implemented by part 1753 and this part.

(b) *Issuance Date.* Where part 1753 requires the use of a standard contract form in connection with RUS financing, the borrower shall use the appropriate form identified in § 1755.30(c), List of Telecommunications Standard Contract Forms, published as of the date the borrower releases the plans and specifications to solicit bids or price quotes.

(c) *List of telecommunications standard contract forms.* (1) RUS Form 157, issued 10-77, Construction Work Plan and cost Distribution—Telephone.

(2) RUS Form 158, issued 10-77, Certification of Contract or Force Account Approval.

(3) RUS Form 159, issued 10-77, Summary of Completed Construction.

(4) RUS Form 168b, issued 2-04, Contractor's Bond.

(5) RUS Form 168c, issued 2-04, Contractor's Bond.