



United States  
Department of  
Agriculture

## Rural Development



Steven Levine

## RUS Form 395

*2016 ACE School and RUS Symposium*

# RUS Form 395, Equipment Acquisition Contract (It's about time)

New Contract, RUS Form 395

Delivered on \_\_\_\_\_



# RUS Form 395, Equipment Acquisition Contract (It's about time)

## New Contract Form, RUS Form 395

- Objective:
  - Reduce the number of contract forms for the acquisition of CO and Network Equipment
  - Consolidate contracts with certifications and addenda
    - Software License Agreement
    - Contractor Certification
  - Modernize the standard contract form for industry and equipment trends and evolution

# RUS Form 395, Equipment Acquisition Contract (It's about time)

## Unified Contract for the Acquisition of CO and Network Equipment with or without installation

- Consists of:
  - RUS Form 395 – The main equipment acquisition contract for central office or network equipment, with or without installation
  - RUS Form 395a – Certificate of Completion (with installation)
  - RUS Form 395b – Certificate of Completion (without installation)
  - RUS Form 395c – Certification of Seller and Indemnity Agreement
  - RUS Form 395d - Acceptance test results

# RUS Form 395, Equipment Acquisition Contract

- Replaces:
  - RUS Form 397 – Special (network) equipment with installation
  - RUS Form 398 – Special (network) equipment without installation
  - RUS Form 525 – Central office equipment with installation
  - RUS Form 545 - Central office equipment without installation
  - RUS Forms 231, 396, 396a, 517, 525a, 744, 752a, 754
- Eliminates:
  - Construction standards: RUS Form 397b, 397c, 397d, 397f, 397g, 397h

# RUS Form 395

## With Installation or without Installation

- By application

SECTION 5.1 *Applicability of this Article.* This Article applies if the parties have agreed to installation of all, or any part of the Equipment, as indicated below.

- (a)  The Seller is not required to perform installation of the Equipment under this Contract. However, all Equipment furnished hereunder is subject to the inspection, tests, and approval of the Buyer, and the Seller must furnish all information required concerning the nature or source of any Equipment and provide adequate facilities for testing and inspecting the Equipment at the plant of the Seller;
- (b)  The Seller is required to perform installation, alignment, and testing of the Equipment or contract the installation, alignment, and testing to be performed under this Contract, making this Article V and the sections there under applicable to this Contract.

## Software License Agreement

- By application

### ARTICLE VIII

#### SOFTWARE LICENSE

SECTION 8.1 *Applicability of this Article.* This Article applies when the Seller requires a software license agreement, as indicated by checking the appropriate box below.

- (a)  The Seller does not require a software license for the Equipment under this Contract; or
- (b)  The Seller requires a software license for the Equipment under this Contract making this Article VIII and the sections thereunder applicable to this Contract.

# RUS Form 395

- Sales Taxes, by request

**BUYER'S ACCEPTANCE**

Subject to the approval of the Agency, the Buyer hereby accepts the Proposal of \_\_\_\_\_  
for the total contract price, including accepted alternates and options indicated below:

<b>ITEM</b>	<b>ITEM COST (\$)</b>
<b>Base Cost (without taxes)</b>	_____
<b>Alternate No. 1</b> (add)(deduct)	_____
<b>Alternate No. 2</b> (add)(deduct)	_____
<b>Alternate No. 3</b> (add)(deduct)	_____
<b>Alternate No. 4</b> (add)(deduct)	_____
<b>Alternate No. 5</b> (add)(deduct)	_____
<b>Alternate No. 6</b> (add)(deduct)	_____
<b>Alternate No. 7</b> (add)(deduct)	_____
<b>Alternate No. 8</b> (add)(deduct)	_____
<b>Spare Parts</b>	_____
<b>Extended Warranty</b>	_____
<b>Other</b>	_____
<b>Other</b>	_____
<b>Other</b>	_____
<b>Sub-Total ( \$)-</b>	_____
<b>Estimated Taxes to be paid by Seller</b>	_____
<b>Estimated Taxes to be paid by Buyer</b>	_____
<b>Total Contract Price ( \$)-</b>	_____



# How Does It Happen – The Regulatory Process

## Process Components:

- Work Plan, Initial and addendum(s)
  - Outlines the work being done and reason for undertaking the effort
- Proposed Document
  - Drafts circulated for comments internally to RUS and published in the FR for external comments.
  - Final Version incorporating changes resulting from consideration of received internal and external comments.
- Information Collection Package Supporting Statement
  - A report of an analysis of the work burden placed on the public and government employees by the document/regulation being proposed

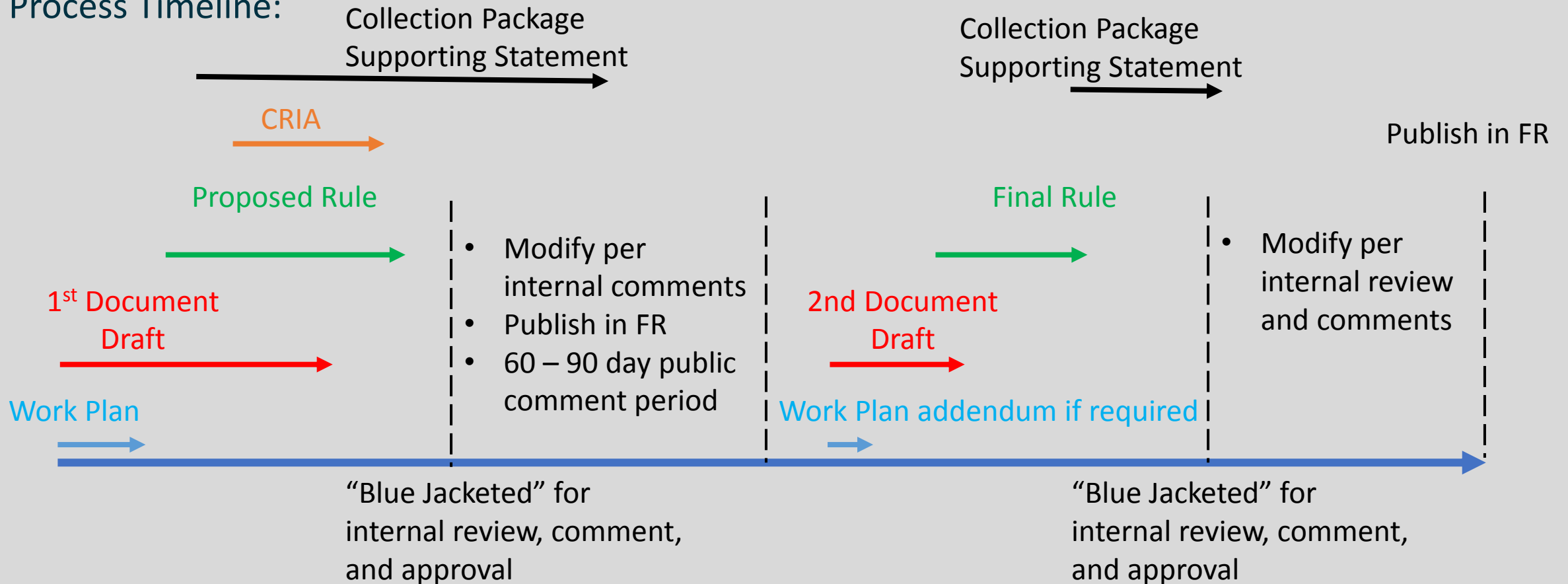
# How Does It Happen – The Regulatory Process

## Process Components: (cont.)

- Proposed and Final Rules for publication in the Federal Registry and the Code of Federal Regulations
  - Contains the Preamble explaining what the proposal does, why, and what it is comprised of, impacted regulations and the extent of those impacts, the authorities under which the proposal is being made, and **the received comments and RUS' response to each comment.**
  - All changes being proposed or implemented are included for reference.
- Civil Rights Impact Analysis (CRIA)

# How Does It Happen – The Regulatory Process

## Process Timeline:



<http://www.rd.usda.gov/publications/regulations-guidelines/forms-publications>



United States  
Department of  
Agriculture

# Rural Development



Contact Information  
Rural Development  
Telecommunications Program  
Policy & Outreach Division  
[Aylene.Mafnas@wdc.usda.gov](mailto:Aylene.Mafnas@wdc.usda.gov)

Office: 202-690-4673  
[www.rd.usda.gov](http://www.rd.usda.gov)

*USDA Rural Development is committed to the future of rural communities.*