

APPLICABILITY OF THIRD PARTY CONTRAT CLAUSES
(Excluding micro-purchase, except for construction contracts over \$2,000)

CLAUSE	TYPE OF PROCUREMENT				
	Professional Services/A&E	Operations/ Management / Sub-recipients	Rolling Stock Purchase	Construction	Materials & Supplies
No Federal government obligation to third parties by use of a disclaimer	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>
Program fraud and false or fraudulent statements and related acts	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>
Access to Records	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>
Federal Changes	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>
Civil Rights (EEO, Title VI & ADA)	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>
Incorporation of FTA terms	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>
Energy Conservation	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>
Termination Provisions (not required of states)	<i>>\$10,000</i>	<i>>\$10,000</i>	<i>>\$10,000</i>	<i>>\$10,000</i>	<i>>\$10,000</i>
Debarment and Suspension	<i>>\$25,000</i>	<i>>\$25,000</i>	<i>>\$25,000</i>	<i>>\$25,000</i>	<i>>\$25,000</i>
Buy America			<i>>\$250,000 (See Note)</i>	<i>>\$250,000 (See Note)</i>	<i>>\$250,000 (for steel, iron, manufactured products)</i>
Provisions for resolution of disputes, breaches, or other litigation	<i>>\$100,000 (See Note)</i>	<i>>\$100,000 (See Note)</i>	<i>>\$100,000 (See Note)</i>	<i>>\$100,000 (See Note)</i>	<i>>\$100,000 (See Note)</i>
Lobbying	<i>>\$100,000</i>	<i>>\$100,000</i>	<i>>\$100,000</i>	<i>>\$100,000</i>	<i>>\$100,000</i>
Clean Air	<i>>\$100,000</i>	<i>>\$100,000</i>	<i>>\$100,000</i>	<i>>\$100,000</i>	<i>>\$100,000</i>
Clean Water	<i>>\$100,000</i>	<i>>\$100,000</i>	<i>>\$100,000</i>	<i>>\$100,000</i>	<i>>\$100,000</i>
Cargo Preference			<i>Involving property that may be transported by ocean vessel</i>	<i>Involving property that may be transported by ocean vessel</i>	<i>Involving property that may be transported by ocean vessel</i>
Fly America	<i>Involving foreign transport or travel by air</i>	<i>Involving foreign transport or travel by air</i>	<i>Involving foreign transport or travel by air</i>	<i>Involving foreign transport or travel by air</i>	<i>Involving foreign transport or travel by air</i>
Davis Bacon				<i>>\$2,000 (including ferry vessel)</i>	

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CLAUSE	TYPE OF PROCUREMENT				
	Professional Services/A&E	Operations/ Management / Sub-recipients	Rolling Stock Purchase	Construction	Materials & Supplies
Copeland Anti-Kickback Act Section 1 Section 2				>\$2,000 (including ferry vessels)	
Contact Work Hours & Safety Standards Act		>\$100,000	>\$100,000	>\$100,000 (including ferry vessels)	
Bonding (not required of states)				>\$100,000 (including ferry vessels)	
Seismic Safety	<i>A&E for new buildings & additions</i>			<i>New buildings & additions</i>	
Transit Employee Protective Arrangements		<i>Transit operations funded with Section 5307, 5309, 5311 or 5316 funds</i>			
Charter Services Operations		<i>All</i>			
School Bus Operations		<i>All</i>			
Drug & Alcohol Testing		<i>Transit operations funded with Section 5307, 5309 or 5311 funds</i>			
Patent Rights	<i>Research & Development</i>				
Rights in Data and Copyrights requirement	<i>Research & Development</i>				
Special DOL EEO clause for construction projects				>\$10,000	
Disadvantaged Business Enterprise	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>

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CLAUSE	TYPE OF PROCUREMENT				
	Professional Services/A&E	Operations/ Management / Sub-recipients	Rolling Stock Purchase	Construction	Materials & Supplies
Prompt Payment	<i>All if threshold for DBE program met</i>	<i>All if threshold for DBE program met</i>	<i>All if threshold DBE program met</i>	<i>All if threshold for DBE program met</i>	<i>All if threshold for DBE program met</i>
Recycled Products		<i>Contracts for items designated by EPA, when procuring \$10,000 or more per year</i>		<i>Contracts for items designated by EPA, when procuring \$10,000 or more per year</i>	<i>Contracts for items designated by EPA, when procuring \$10,000 or more per year</i>
ADA Access	<i>A&E</i>	<i>All</i>	<i>All</i>	<i>All</i>	
Special Notification Requirements for States	<i>Limited to states</i>	<i>Limited to states</i>	<i>Limited to states</i>	<i>Limited to states</i>	<i>Limited to states</i>

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REQUIREMENTS	COMMENTS	MASTER AGREEMENT REFERENCE***
All FTA-Assisted Third Party Contracts and Subcontracts		
No federal government obligations to third parties by use of a disclaimer		
Program fraud and false or fraudulent statements and related acts		§ 4.3.f
Access to Records		§ 9.c
Federal changes		§ 3.i
Civil Rights (EEO, Title VI & ADA)		§ 12.c, e, and h
Incorporation of FTA Terms	<i>Per FTA C. 4220. 1F</i>	
Energy Conservation		§ 26.j
Awards Exceeding \$10,000		
Termination provisions		§ 16.d(2)12
Awards Exceeding \$25,000		
Debarment and Suspension	<i>2 CFR Parts 180 and 1200</i>	§ 4.b
Awards Exceeding the Simplified Acquisition Threshold (\$250,000 – see note)		
Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.		
Buy America	<i>When tangible property or construction will be acquired</i>	§ 15.a
Provisions for resolutions of disputes, breaches, or other litigation		§ 39
Awards Exceeding \$100,000		
Lobbying		§ 3.d
Clean Air		§ 16.d(7)7.n
Clean Water		§ 16.d(7)
Transport of Property or Persons		
Cargo Preference	<i>When acquiring property suitable for shipment by ocean vessel</i>	§ 15.b
Fly America	<i>When property or persons transported by air between U.S. and foreign destinations, or between foreign locations</i>	§ 15.c
Construction Activities		
Davis Bacon Act	<i>Except for contract >\$2,000 or third party contracts for supplies, materials, or articles ordinarily available on the open market</i>	§16.d(4)
Copeland Anti-Kickback Act Section 1 Section 2	<i>All Contracts >\$2,000</i>	§ 24.a(3)

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REQUIREMENTS	COMMENTS	MASTER AGREEMENT REFERENCE***
Contract Work Hours & Safety Standards Act	<i>Contracts >\$100,000</i>	§ 16.d(5)
Bonding for construction activities exceeding \$100,000	<i>5% bid guarantee;</i> <i>100% performance bond; and Payment bond equal to:</i> <ul style="list-style-type: none"> • 50% for contracts <\$1 M • 40% for contracts >\$1 M but <\$5 M • \$2.5 M for contracts >\$5 M <i>Not required of states</i>	§16.n(1)
Seismic Safety	<i>Contracts for construction of new buildings or additions to existing buildings</i>	§ 23.b
Special DOL EEO Clause	<i>Contracts >\$10,000</i>	§ 12.d(3)
Non-construction Activities		
Non-construction Employee Protection (Contract Work Hours and Safety Standards Act)	<i>Applicable to all turnkey, rolling stock and operational contracts (exceeding contracts for transportation services) >\$100,000</i>	§ 28.b
Transit Operations		
Transit Employee Protective Arrangements	<i>Applies to Section 5307, 5309, 5311 and 5316 projects</i>	§ 24.d28.d
Charter Service Operations		§ 2832
School Bus Operations		§ 29
Drug and Alcohol Testing	<i>Safety sensitive functions.</i> <i>Applies to Section 5307, 5309 and 5311 projects</i>	§ 40.b
Planning, Research, Development, and Documentation Projects		
Patent Rights		§ 17
Rights in Data and Copyrights		§ 1820
Miscellaneous Special Requirements		
Disadvantaged Business Enterprise (DBE)	<i>Contracts awarded in the basis of a bid or proposal offering to use DBE's</i>	§ 12.e3.d
Prompt Payment and Return of Retainage	<i>Per 49 CFR Part 26, if grantee meets the threshold for a DBE program</i>	§ 12.e
Recycled Products	<i>Contracts for items designated by EPA, when procuring \$10,000 or more per year</i>	§ 16.d(10)
ADA Access	<i>Contracts for Rolling Stock or facilities construction/ renovation</i>	§ 12.h3.g
Assignability Clause	<i>Piggyback Procurement</i>	§ 16.a(3)
Special Notification Requirement for States		§

REQUIRED CERTIFICATIONS, REPORTS, AND FORMS
(Excluding micro-purchases, except for construction contracts over \$2,000)

REQUIREMENT	COMMENT	MASTER AGREEMENT REFERENCE ***
Bus Testing Certification and Report	<i>Procurement of buses and modified mass produced vans</i>	§ 16.m
Transit Vehicle Manufacturer Certification	<i>Procurements of railcars or buses and modified mass produced vans</i>	§ 12.d(4)
Buy America	<i>Projects >\$250,000 that contain steel, iron or manufactured products</i>	§ 15.a
Pre-Award Audit	<i>Rolling Stock procurements</i>	§ 16 m
Pre-Award Buy America Certification	<i>Rolling Stock procurements >\$250,000</i>	§ 16 m
Pre-Award Purchaser's Requirement Certification	<i>Rolling Stock procurements</i>	§ 16 m
Post-Delivery Audit	<i>Rolling Stock procurements</i>	§ 16 m
Post-Delivery Buy America Certification	<i>Rolling Stock procurements >\$250,000</i>	§ 16 m
Post-Delivery Purchaser's Requirement Certification	<i>Rolling Stock procurement</i>	§ 16.m
On-Site Inspector's Report	<i>Rolling stock procurements for more than 10 vehicles for areas <200,000 in population and 20 for areas >200,000 in population</i>	§ 16.m
Federal Motor Vehicles Safety Standards Pre-Award and Post-Delivery Certification	<i>Non-rail rolling stock procurements</i>	§ 16.m
Excluded Parties Listing System search	<i>Procurements >\$25,000</i>	§ 4.b
Lobbying Certification	<i>Procurements >\$100,000</i>	§ 4.d
Standard Form LLL and Quarterly Updates (when required)	<i>Procurements . \$100,000 where contractor engages in lobbying activities</i>	§ 4.d