

REQUIRED THIRD-PARTY CONTRACT CLAUSES

All FTA-Assisted Third-Party Contracts and Subcontracts

except for micro-purchases, defined as purchases under \$2,500

CATEGORIES OF FEDERAL REQUIREMENTS	COMMENTS	MASTER AGREEMENT REFERENCES
No federal government obligations to third-parties by use of a disclaimer		§2.f
Program fraud and false or fraudulent statements and related acts		§3.f
Access to Records		§15.o
Federal changes		§2.c(1)
Civil Rights (EEO, Title VI & ADA)		§12
Termination provisions	Contracts >\$10,000(49 CFR §18). For contracts with nonprofit organizations and institutions of higher education, the threshold is \$100,000.	§15.a
Debarment and Suspension	apply to all grantee contracts and subcontracts at any level expected to equal or exceed \$25,000 as well as any contract or subcontract (at any level) for Federally required auditing services. Grantees, contractors and subcontractors (at any level) that enter into covered transactions are required to verify that the entity (as well as its principals and affiliates) they propose to contract or subcontract with is not excluded or disqualified. They do this by (a) Checking the Excluded Parties List System, (b) Collecting a certification from that person, or (c) Adding a clause or condition to the contract or subcontract. This represents a change from prior practice in that certification is still acceptable but is no longer required. 49 CFR 29.300.	§3.b
Disadvantaged Business Enterprises (DBEs)	Contracts awarded on the basis of a bid or proposal offering to use DBEs	§12.d
Incorporation of FTA Terms	Per FTA C 4220.1E	§15.a

Awards Exceeding the Simplified Acquisition Threshold (\$100,000) 49 CFR §29

CATEGORIES OF FEDERAL REQUIREMENTS	COMMENTS	MASTER AGREEMENT REFERENCES
Buy America	When tangible property or construction will be acquired	§14.a
Provisions for resolution of disputes, breaches, or other litigation		§43

Awards Exceeding \$100,000 by Statute

CATEGORIES OF FEDERAL REQUIREMENTS	COMMENTS	MASTER AGREEMENT REFERENCES
Lobbying		§3.d
Clean Air		§25.b
Clean Water		§25.c

Transport of Property or Persons

except for micro-purchase, defined as purchases under \$2,500

CATEGORIES OF FEDERAL REQUIREMENTS	COMMENTS	MASTER AGREEMENT REFERENCES
Cargo Preference	When acquiring property suitable for shipment by ocean vessel	§14.b
Fly America	When property or persons transported by air between U.S. and foreign destinations, or between foreign locations	§14.c

Construction Activities

CATEGORIES OF FEDERAL REQUIREMENTS	COMMENTS	MASTER AGREEMENT REFERENCES
Construction Employee Protections <ul style="list-style-type: none"> • Davis Bacon and Copeland Anti-Kickback Act • Contract Work Hours & Safety Standards Act 	Except for contracts <\$2,000 Except for contracts < \$100,000	§24.a
Bonding for construction activities exceeding \$100,000	5% bid guarantee; 100% performance bond; and Payment bond equal to: <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 	§15.m(1)
Seismic safety	Contracts for construction of new buildings or additions to existing buildings except for micro-purchases, defined as purchases under \$2,500	§23.e

Non-construction Activities

CATEGORIES OF FEDERAL REQUIREMENTS	COMMENTS	MASTER AGREEMENT REFERENCES
Nonconstruction Employee Protection (Contract Work Hours and Safety Standards Act)	projects that employ "laborers or mechanics on a public work." These non-construction applications do not generally apply to transit procurements because transit procurements (to include rail cars and buses are deemed "commercial items." 40 USC 3707, 41 USC 403 (12). A grantee that contemplates entering into a contract to procure a developmental or unique item should consult counsel to determine if the Act applies to that procurement and that additional language required by 29 CFR 5.5 ©) must be added to the basic clause.	§24.b

Transit Operations

CATEGORIES OF FEDERAL REQUIREMENTS	COMMENTS	MASTER AGREEMENT REFERENCES
Transit Employee Protective Arrangements		§24.d
Charter Service Operations		§28
School Bus Operations		§29
Drug and Alcohol Testing	Safety sensitive functions	§31.b

Planning, Research, Development and Documentation Projects

except for micro-purchases, defined as purchases under \$2,500

CATEGORIES OF FEDERAL REQUIREMENTS	COMMENTS	MASTER AGREEMENT REFERENCES
Patent and Rights in Data		§17,§18

Acquisition of Rolling Stock/turnkey

except for micro-purchases, defined as purchases under \$2,500

CATEGORIES OF FEDERAL REQUIREMENTS	COMMENTS	MASTER AGREEMENT REFERENCES
Bus Testing		§15.1(4)
Pre-Award and Post-Delivery Audit		§15.1(3)

Miscellaneous Special Requirements

except for micro-purchases, defined as purchases under \$2,500

CATEGORIES OF FEDERAL REQUIREMENTS	COMMENTS	MASTER AGREEMENT REFERENCES
Energy Conservation		§26
Recycled Products	Contracts for items designated by EPA, when procuring \$10,000 or more per year	§15.g
Privacy Act	Administering records system (e.g., drug and alcohol program) on behalf of federal government (5USC 552)	
Conformance with National ITS Architecture	Contracts and solicitations for ITS projects	§15.p
ADA Access	Contracts for rolling stock or facilities construction/ renovation	§12.g

Awards Exceeding \$500,000

CATEGORIES OF FEDERAL REQUIREMENTS	COMMENTS	MASTER AGREEMENT REFERENCES
Notification of Federal Participation		§15.n