

# Federal Clauses Checklist

(Excluding Micro-Purchases, Except for Construction Contracts Over \$2,000)

Clause	Comments	Master Agreement Reference
<b>All FTA-Assisted Third-Party Contracts and Subcontracts</b>		
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.t
Federal Changes		2.c(1)
Civil Rights (EEO, Title VI & ADA)		12

Clause	Comments	Master Agreement Reference
Incorporation of FTA Terms	Per FTA C 4220.1F	15.a
Energy Conservation		26
Privacy Act		5 U.S.C. § 552a
<b>Awards Exceeding \$10,000</b>		
Termination Provisions	49 CFR Part 18	11
Debarment and Suspension	2 CFR Parts 180 and 1200	3.b
Sam.gov Page	Procurements > \$25,000	3.b
<b>Awards Exceeding the Simplified Acquisition Threshold (\$100,000)</b>		

Clause	Comments	Master Agreement Reference
Lobbying		3.d
<b>Awards Exceeding the Simplified Acquisition Threshold (\$150,000)</b>		
Buy America	When tangible property or construction will be acquired	14.a
Provisions for resolution of disputes, breaches, or other litigation		56
Awards Exceeding \$150,000 by Statute		
Clean Air		25.b
Clean Water		25.c

Clause	Comments	Master Agreement Reference
<b>Transport of Property or Persons</b>		
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
<b>Construction Activities</b>		
Davis Bacon Act	Except for contracts <\$2,000 or third party contracts for supplies, materials, or articles ordinarily available on the open market	24.a
Copeland Anti-Kickback Act (Section 1&2)	All Contracts >\$2,000	24.a
Contract Work Hours & Safety Standards Act	Contracts>\$100,000	24.a

Clause	Comments	Master Agreement Reference
Bonding for construction activities exceeding \$100,000	5% bid guarantee; 100% performance bond; and payment bond equal to: 50% for contracts <\$1M. 40% for contracts > \$1M, but < \$5M. \$2.5 M for contracts > \$5M	15.o(1)
Seismic Safety	Contracts for construction of new buildings or additions to existing buildings	23.e
<b>Nonconstruction Activities</b>		
Nonconstruction Employee Protection (Contact Work Hours and Safety Standards Act)	Applicable to all turnkey, rolling stock and operational contracts (excluding contracts for transportation services) >\$150,000	24.b
<b>Transit Operations</b>		
Transit Employee Protective Arrangements	Applies to Section 5307, 5309, 5311 and 5316 projects	24.d

Clause	Comments	Master Agreement Reference
Charter Service Operations		28
School Bus Operations		29
Drug and Alcohol Testing	Safety sensitive functions. Applies to Sections 5307, 5309 and 5311 projects	32.b
<b>Planning, Research, Development, and Documentation Projects</b>		
Patent Rights		17
Rights in Data and Copyrights		18
<b>Miscellaneous Special Requirements</b>		
Disadvantaged Business Enterprise (DBEs)	Contracts awarded on the basis of a bid or proposal offering to use DBEs	12.d

<b>Clause</b>	<b>Comments</b>	<b>Master Agreement Reference</b>
Recycled Products	Contracts for items designated by EPA, when procuring \$10,000 or more per year	15.k
ADA Access	Contracts for rolling stock or facilities construction/renovation	12.g
Assignability Clause	Piggyback procurements	15.a

Bus Testing Certification and Report	Procurements of buses and modified mass produced vans	15.n(4)
TVM Certifications	Procurements of buses and modified mass produced vans	12.d(1)
Buy America Certification	Procurements of steel, iron or manufactured products > \$150,000	14.a
Pre-Award Audit	Rolling stock procurements	15.n(3)

<b>Clause</b>	<b>Comments</b>	<b>Master Agreement Reference</b>
Pre-Award Buy America Certification	Rolling stock procurements > \$150,000	15.n(3)
Pre-Award Purchaser's Requirement Certification	Rolling stock procurements	15.n(3)
Pre-Award Federal Motor Vehicles Safety Standards Delivery Certification	Rolling stock procurements	15.n(3)
Post-Delivery Audit	Rolling stock procurements	15.n(3)
Post-Delivery Buy America Certification	Rolling stock procurements > \$150,000	15.n(3)
Post-Delivery Purchaser's Requirement Certification	Rolling stock procurements	15.n(3)
On-Site Inspector's Report	Rolling stock procurements for more than 10 vehicles for areas >200,000 in population and 20 for areas <200,000 in population	15.n(3)



<b>Clause</b>	<b>Comments</b>	<b>Master Agreement Reference</b>
Post-Delivery Federal Motor Vehicles Safety Standards Certification	Rolling stock procurements	15.n(3)
Debarment and Suspension	Certification Form	3.b
DBE Certification	Certification Participation Forms	12.d
DBE Prompt Payment Certification	Per 49 CFR Part 26, if grantee meets the threshold for a DBE program	12.d
Lobbying Certification	Procurements > \$100,000	3.d(1)
Standard Form LLL and Quarterly Updates (when required)	Procurements > \$100,000 where contractor engages in lobbying activities	3.d(1)