

FEDERAL CLAUSES CHECKLIST

(Excluding Micro-Purchases, Except for Construction Contracts over \$2,000.00)

Clause	Reference	Comments
All FTA-Assisted Third-Party Contracts and Subcontracts		
A.1 Access to Records and Reports	49 USC 5325 2 CFR 200.333 49 CFR part 633	
A.3 Bus Testing	49 USC 5318 49 CFR part 665	Pertains only to the purchase or lease of any new bus model, or any bus model with a major change in configuration or components to be acquired or leased with funds obligated by FTA.
A.5 Cargo Preference	46 USC 55305 46 CFR part 381	Applies to all contracts involving equipment, materials, or commodities that may be transported by ocean vessels.
A.8 Civil Rights (EEO, Title VI & ADA)	49 USC Chap 53 42 USC 2000 Executive Order 11246 20 USC 1681 42 USC 6101 45 CFR part 90 29 USC 621 49 CFR part 1625 42 USC 1201	
A.9 Disadvantaged Business Enterprise (DBE)	49 CFR part 26	
A.10 Employee Protections	49 USC 5333 40 USC 3141- 3148 29 CFR part 5 18 USC 874 29 CFR Part 3 40 USC 3701- 3708 29 CFR part 1926	Emphasis on Construction related projects.
A.11 Energy Conservation	42 USC 6321 49 CFR part 622, subpart C	
A.12 Fly America	49 USC 40118 41 CFR part 301- 10 48 CFR part 47.4	Transportation of persons or property, by air, when the FTA will participate
A.15 No Government Obligation to Third Parties		

Clause	Reference	Comments
A. 16 Patent Rights and Rights in Data	2 CFR part 200, App II (F) 37 CFR part 401	
A. 17 Pre-Award and Post-Delivery Audits of Rolling Stock Purchases	49 USC 5323 49 CFR part 663	
A. 18 Program Fraud and False or Fraudulent Statements and Related Acts	49 USC 5323 (I)(1) 31 USC 3801-3812 18 USC 1001 49 CFR part 31	
A. 19 Public Transportation Employee Protective Arrangements	49 USC 5333 (b)(13(c)) 29 CFR part 215	Each contract for transit operations performed by employees of a Contractor recognized by FTA to be a transit operator.
A. 21 Safe Operation of Motor Vehicles	23 USC part 402 Exec Ord 13043 Exec Ord 13512 US DOT Ord 3902.10	
A. 22 School Bus Operations	Not applicable	
A. 23 Seismic Safety	42 USC 7701 49 CFR part 41 Exec Ord 12699	Contracts for the construction of new buildings or additions to existing buildings
A. 24 Substance Abuse Requirements	49 USC 5331 49 CFR part 655 49 CFR part 40	Contractors who perform Safety-Sensitive Functions
A. 28 Seat Belt Use	FTA Master Agreement §34 (a)	Including a "Seat Belt Use" provision in each third party agreement related to the Award.
A. 29 Distracted Driving: Including Text Messaging While Driving	FTA Master Agreement § 34 (b)	Include Special Provision in each third party agreements and include this Special Provision in each third party subagreement at each tier.
Awards Exceeding \$10,000		
A. 20 Recycled Products	42 USC 6962 40 CFR part 247 2 CFR part 200.322	
A. 25 Termination	2 CFR 200.339 2 CFR part 200, Append II (B)	

Clause	Reference	Comments
Awards Exceeding \$25,000.00		
A.13 Debarment and Suspension	2 CFR part 180 2 CFR part 1200 2 CFR part 200.213 2 CFR part 200 App. II (1) Exec. Ord 12549 Exec. Ord 12689	SAM.gov
A.27 Notice to FTA and US DOT Inspector General of information related to fraud, waste, abuse, or other legal matters	FTA Master Agreement §39 (b)	This requirement requires the prime contractor to "flow down" the requirement to subcontractors.
Awards Exceeding the Simplified Acquisition Threshold (\$100,000)		
A.14 Lobbying Restrictions	31 USC 1352 2 CFR 200.450 2 CFR part 200 appen II (J) 49 CFR part 20	
Awards Exceeding (\$150,000)		
A.4 Buy America and Buy American/Build America (BABA)	49 USC 5323(j) 49 CFR PART 661 Public Law 117-58, div 6 70941 (a)	<i>In addition to FTA's Buy America Act, which requires that the steel, iron, and manufactured goods used in an FTA-funded project are produced in the United States (49 U.S.C. § 5323(j)(1)), the Build America, Buy America Act (BABA) (Public Law 117-58, div. G § 70914(a)) now requires that construction materials used in infrastructure projects are also produced in the United States.</i>
A.7 Clean Air Act and Federal Water Pollution Control Act	42 USC 7401-7671q 33 USC 1251-1387 2 CFR part 200 Appendix II (G)	
Awards Exceeding the Simplified Acquisition Threshold (\$250,000)		

Clause	Reference		Comments
A.2 Bonding Requirements	2 CFR 200.325 31 CFR part 223		
A. 26 Violation or Breach of Contract	2 CFR 200.326 2 CFR part 200, Appen II (A)		