

Applicability Of Third-Party Contract Provisions

(excluding micro-purchases, except Davis-Bacon requirements apply to contracts exceeding \$2,000)
Includes provisions CFR 200, Master Agreement 32 (March 26, 2025), Master Agreement 33 (April 25, 2025) and Circular 4220.1G. Citations from the Master Agreement (MA) and other relevant federal documents are noted.

TYPE OF PROCUREMENT					
PROVISION	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase	Construction	Materials & Supplies
No Federal Government Obligations to Third Parties (by Use of a Disclaimer) MA 33 – §3(l)	All	All	All	All	All
False Statements or Claims Civil and Criminal Fraud MA 33 - §4(e)	All	All	All	All	All
Access to Third Party Contract Records MA 33 - §16 (S)	All	All	All	All	All
Changes to Federal Requirements MA 33 - §3(i)(6)	All	All	All	All	All
Termination MA 33 - §16(d)(2)	>\$10,000	>\$10,000	>\$10,000	>\$10,000	>\$10,000
Civil Rights (Title VI, ADA, EEO) MA 33 - §12	All	All	All>\$10,000	All	All
Veteran’s Employment Preference Section 2108 of Title 5 and MA 33 - §16 (u)				All	
Disadvantaged Business Enterprises (DBEs) MA33 - §12(e)	All	All	All	All	All
Prompt Payment to Subcontractors (if not part of DBE clause) 49 CFR § 26.29	All	All	All	All	All
Incorporation of FTA Terms MA 33 - §16(a)(3)	All	All	All	All	All
Debarment and Suspension 2 CFR Parts 180 and 1200 and MA 33 - §16(d)(7)	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000
Buy America 49 USC 5323(j)(13) MA 33 - §16(m)			>\$150,000 49 USC 5323(j)(13)	>\$150,000 49 USC 5323(j)(13)	>\$150,000 49 USC 5323(j)(13)

PROVISION	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase	Construction	Materials & Supplies
Resolution of Disputes, Breaches, or Other Litigation – Notification of Contractor and/or Subcontractor to Agency and Agency notification to FTA 2 C.F.R. §180.220 - \$25,000 threshold 2 CFR 200.318(k); 2 CRF 200 Appendix II (a) MA 33 - §39(b)	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000
Lobbying 2 CFR 200 Appendix II (I) MA 33 §4 (c) and 16(d)(8)	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Air 2 CFR 200 Appendix II (G) MA 33 - §16 (d)(6)	>\$150,000	>\$150,000	>\$150,000	>\$150,000	>\$150,000
Clean Water 2 CFR 200 Appendix II (G) MA 33 - §16 (d)(6)	>\$150,000	>\$150,000	>\$150,000	>\$150,000	>\$150,000
Cargo Preference MA 33 - §15(c)			Transport by ocean vessel.	Transport by ocean vessel.	Transport by ocean vessel.
Fly America MA 33 - §15(d)	Foreign air transp. /travel.	Foreign air transp. /travel	Foreign air transp. /travel	Foreign air transp. /travel	Foreign air transp. /travel
Davis-Bacon Act 2 CFR 200 Appendix II (D) MA 33 – §16(d)(3)				>\$2,000 (also ferries).	
Contract Work Hours and Safety Standards Act 2 CFR 200 Appendix II (E) MA 33 - §16(d)(4) OR MA 33 §24(a) MA 33 - §24(b) – non-construction		>\$100,000 (transportation services excepted).	>\$100,000	>\$100,000 (also ferries).	
Copeland Anti-Kickback Act Section 1 Section 2 2 CFR 200 Appendix II (D) MA 33 - §16(d)(3)				All > \$2,000 (also ferries).	
Bonding 2 CFR 200.326 MA 33 - §16(n)				>\$250,000	
Seismic Safety MA 33 - §23.(b)	A&E for new buildings & additions.			New buildings & additions.	
Transit Employee Protective Arrangements MA 33 - §24(d)		Transit operations.			

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Charter Service Operations MA 33 - §28		All			
School Bus Operations MA 33 - §29		All			
Drug Use and Testing MA 33 - §35(a)		Transit operations.			
Alcohol Misuse and Testing MA 33 - §35(b)		Transit operations.			
Patent Rights MA 33 - §17(a)(2)	R & D				
Rights in Data and Copyrights MA 33 - §18	R & D				
Rights to Inventions Made Under a Contract or Agreement 2 CFR 200 Appendix II (F) MA 33 - §16(d)(5)	R & D with Small Business or Non-Profit				
Energy Conservation MA 30 - §26(i)	All	All	All	All	All
Recycled Products 2 CFR 200.323 MA 33 - §16(d)(9)		EPA-selected items \$10,000 or more annually.		EPA-selected items \$10,000 or more annually.	EPA-selected items \$10,000 or more annually.
Conformance with ITS National Architecture MA 33 - §16(l)	ITS projects.	ITS projects.	ITS projects.	ITS projects.	ITS projects.
ADA Access MA 33 - §12(h)	A&E	All	All	All	All
Notification of Federal Participation for States MA 33 - §37	Limited to States.	Limited to States.	Limited to States.	Limited to States.	Limited to States.
Safe Operation of Motor Vehicles 1. Seat Belt Use 2. Distracted Driving MA 33 - §34 (a) and (b)	All	All	All	All	All
Prohibition on certain telecommunications and video surveillance services or equipment 2 CFR 200.216	All	All	All	All	All
Federal Tax Liabilities and Recent Felony Convictions – Requires Certification – ALL tiers MA 31-§4(g)(1) and (2)	All	All	All	All	All

PROVISION	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase	Construction	Materials & Supplies
Domestic Preferences for Procurement** 2 CFR 184.6 2 CFR 200.322 & 2 CFR 200 Appendix II (L) – See Note below				Construction materials ONLY	

**On Domestic Preferences for procurement, FTA’s Buy America statute at 49 U.S.C. 5323(j) has, with some exceptions, required all steel, iron, and manufactured products used in a federally funded project to be produced in the United States. A principal effect of Build America Buy America (BABA) is to add construction materials to this list of items. BABA does not change FTA’s Buy America standards for steel, iron, or manufactured products including rolling stock (e.g., FTA does not apply the 55% cost-of-components standard to procurements).