**Checklist of FTA Provisions**

**Applicability of Third Party Contract Provisions**

(excluding micro-purchases, except Davis-Bacon requirements apply to contracts exceeding $2,000)

*Excerpted from FTA Circular 4220.1F*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **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) | All | All | All | All | All |
| False Statements or Claims, Civil and Criminal Fraud | All | All | All | All | All |
| Access to Third Party Contract Records | All | All | All | All | All |
| Changes to Federal Requirements | All | All | All | All | All |
| Termination | >$10,000  if 49 CFR Part 18 applies. | >$10,000  if 49 CFR Part 18 applies. | >$10,000  if 49 CFR Part 18 applies. | >$10,000  if 49 CFR Part 18 applies. | >$10,000  if 49 CFR Part 18 applies. |
| Civil Rights (Title VI, ADA, EEO except Special DOL EEO clause for construction projects) | All | All | All | All | All |
| Special DOL EEO clause for construction projects |  |  |  | >$10,000 |  |
| Disadvantaged Business Enterprises (DBEs) | All | All | All | All | All |
| Incorporation of FTA Terms | All | All | All | All | All |
| Debarment and Suspension | >$25,000 | >$25,000 | >$25,000 | >$25,000 | >$25,000 |
| Buy America |  |  | >$150,000 | >$150,000 | >$150,000 |
| Resolution of Disputes, Breaches, or Other Litigation | >$100,000 | >$100,000 | >$100,000 | >$100,000 | >$100,000 |
| Lobbying | >$100,000 | >$100,000 | >$100,000 | >$100,000 | >$100,000 |
| Clean Air | >$100,000 | >$100,000 | >$100,000 | >$100,000 | >$100,000 |
| Clean Water | >$100,000 | >$100,000 | >$100,000 | >$100,000 | >$100,000 |
| Cargo Preference |  |  | Transport by ocean vessel. | Transport by ocean vessel. | Transport by ocean vessel. |
| Fly America | Foreign air transp. /travel. | Foreign air transp. /travel. | Foreign air transp. /travel. | Foreign air transp. /travel. | Foreign air transp. /travel. |

**Checklist of FTA Provisions (Continued)**

**Applicability of Third Party Contract Provisions**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **TYPE OF PROCUREMENT** | | | | | | |
| **PROVISION** | **Professional Services/A&E** | **Operations/ Management** | **Rolling Stock**  **Purchase** | **Construction** | **Materials & Supplies** | |
| Davis-Bacon Act |  |  |  | >$2,000  (also ferries). |  |
| Contract Work Hours and Safety Standards Act |  | >$100,000 (transportation services excepted). | >$100,000 | >$100,000 (also ferries). |  |
| Copeland Anti-Kickback Act  Section 1  Section 2 |  |  |  | All  > $2,000 (also ferries). |  |
| Bonding |  |  |  | $100,000 |  |
| Seismic Safety | A&E for new buildings & additions. |  |  | New buildings & additions. |  |
| Transit Employee Protective Arrangements |  | Transit operations. |  |  |  |
| Charter Service Operations |  | All |  |  |  |
| School Bus Operations |  | All |  |  |  |
| Drug Use and Testing |  | Transit operations. |  |  |  |
| Alcohol Misuse and Testing |  | Transit operations. |  |  |  |
| Patent Rights | R & D |  |  |  |  |
| Rights in Data and Copyrights | R & D |  |  |  |  |
| Energy Conservation | All | All | All | All | All |
| Recycled Products |  | 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 | ITS projects. | ITS projects. | ITS projects. | ITS projects. | ITS projects. |
| ADA Access | A&E | All | All | All | All |
| Notification of Federal Participation for States | Limited to States. | Limited to States. | Limited to States. | Limited to States. | Limited to States. |