

PROVISIONS, CERTIFICATIONS, REPORTS, FORMS, AND OTHER—MATRICES**B. APPLICABILITY OF THIRD PARTY CONTRACT PROVISIONS**

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

| PROVISION | TYPE OF PROCUREMENT | | | | |
|---|--------------------------------------|--------------------------------------|--|--|--|
| | 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>\$10,000 | 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 | | | >\$100,000 As of Feb. 2011, FTA has not adopted the FAR 2.101 \$150,000 standard. | >\$100,000 As of Feb. 2011, FTA has not adopted the FAR 2.101 \$150,000 standard. | >\$100,000 As of Feb. 2011, FTA has not adopted the FAR 2.101 \$150,000 standard. |
| 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. |

PROVISIONS, CERTIFICATIONS, REPORTS, FORMS, AND OTHER—MATRICES

B. APPLICABILITY OF THIRD PARTY CONTRACT PROVISIONS (Continued)

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

| 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. |