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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)

| 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>\$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. |

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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. |

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C. CERTIFICATIONS, REPORTS, AND FORMS

| CERTIFICATIONS, REPORTS, AND FORMS | COMMENTS | REGULATORY REFERENCE |
|---|---|---|
| Bus Testing Certification | All procurements of new model transit buses and vans and existing models being modified with a major changeover changes. | 49 CFR Part 665 |
| TVM Certifications | All rolling stock procurements. | 49 CFR Part 26 |
| Buy America Certification | Procurements of steel, iron or manufactured products exceeding \$100,000. | 49 CFR Part 661 |
| Preaward Review | FTA Annual Certification for any rolling stock procurement. | 49 CFR Part 663 |
| Preaward Buy America Certification | Rolling stock procurements exceeding procurements exceeding \$100,000. | 49 CFR Part 663 |
| Preaward Purchaser's Requirement | All rolling stock procurements. | 49 CFR Part 663 |
| Post Delivery Review | FTA Annual Certification for any rolling stock procurement. | 49 CFR Part 663 |
| Post Delivery Buy America Certification | Rolling stock procurements exceeding procurements exceeding \$100,000. | 49 CFR Part 663 |
| Post Delivery Purchaser's Requirement | All rolling stock procurements to the extent required by Federal law and regulations. | 49 CFR Part 663 |
| On-Site Inspector's Report | Rolling Stock except for procurements of: -10 or fewer vehicles; - 20 or fewer vehicles serving rural (other than urbanized) areas or urbanized areas or 200,000 people or fewer; - any amount of primary manufactured standard production and unmodified vans that after visual inspection and road testing meet the contract specifications. | 49 CFR Part 663 |
| Federal Motor Vehicle Safety Standards Preaward Review and Post Delivery | Motor vehicle procurements (49 CFR 571). | 49 CFR Part 663 |
| Lobbying | Procurements exceeding \$100,000. | 49 CFR Part 20 OMB Office of Federal Financial Management has not adopted FAR 2.101 \$150,000 simplified acquisition threshold standard. |
| Standard Form LLL and Quarterly Updates (when required) | Procurements exceeding \$100,000 where contractor engages in lobbying activities. | 49 CFR Part 20 OMB Office of Federal Financial Management has not adopted FAR 2.101 \$150,000 simplified acquisition threshold standard. |

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D. OTHER MATTERS

| OTHER MATTERS | COMMENTS | STATUTORY OR REGULATORY REFERENCES |
|---|-------------------------|--|
| Contract Administration System | | 49 CFR § 18.36(b)(2) 49 CFR § 19.47 |
| Record of Procurement History | | 49 CFR § 18.36(b)(9) 49 CFR § 19.47 |
| Protest Procedures | | 49 CFR § 18.36(b)(12) |
| Selection Procedures | | 49 CFR § 18.36(c)(3) |
| Cost/Price Analysis | | 49 CFR § 18.36(f) 49 CFR § 19.45 |
| Justification for Noncompetitive Awards | If Applicable. | 49 CFR § 18.36(b)(9) by implication 49 CFR § 19.46(b) |
| No Excessive Bonding Requirements | | 49 CFR § 18.36(h) 49 CFR § 19.48(c)(5) |
| No Exclusionary Specifications | | 49 U.S.C. § 5325(h) |
| No Geographic Preferences | Except for A&E Services | 49 CFR § 18.36(c)(2) |