

REQUIRED PROVISIONS FOR THIRD-PARTY CONTRACTS

This table shows clauses or certifications a recipient or subrecipient must include in its contracts under an FTA financial assistance award. Citation “MA 33” refers to the FTA Master Agreement version 33. Later versions of the Master Agreement might vary in their requirements or numbering, so it is important for a recipient to review the version of the Master Agreement that is incorporated into its award.

This guidance document is a supplement to existing Federal statutes, regulations, and guidance and the Federal Transit Administration will not rely upon it independently as a basis for affirmative enforcement actions or other administrative penalty. Conformity with this document (as distinct from existing statutes and regulations) is voluntary only, and nonconformity will not affect rights and obligations under existing statutes and regulations.

General Provisions Applicable to All Contracts							Additional Provisions for Contracts for Construction, Mechanics, or Laborers			Additional Provisions for Other Special Situations	
PROVISION	All Contracts	Contracts > \$10K	Contracts > \$25K	Contracts > \$100,000	Contracts > \$150,000	Contracts > Simplified Acquisition Threshold (\$250,000 as of May 2025)	Contracts > \$100,000 Involving Laborers, Mechanics	Prime Construction Contracts > \$2,000	Federally Assisted Construction Contracts	Contracts Under Funding Agreements with Small Businesses or Nonprofits	Contracts Where Ocean Transport is Possible
Federal Tax Liability and Recent Felony Convictions (MA 33 § 4(g))	X	X	X	X	X	X					
Access to Records and Audits (49 U.S.C. § 5325(g), 2 CFR § 200.337 & MA 33 § 9	X	X	X	X	X	X					
Changes to Federal Requirements (MA 33 § 3(i)(6))	X	X	X	X	X	X					
Civil Rights, Nondiscrimination, and DBE Requirements (49 CFR §§ 26.13 and 26.29; MA 33 § 12))	X	X	X	X	X	X					
Seat Belt Use (62 Fed. Reg. 19217, 23 U.S.C. § 402 note, Executive Order 1304 & MA 33 § 34(a)	X	X	X	X	X	X					
Distracted Driving (74 Fed. Reg. 51225, 23 U.S.C. § 402 note, Executive Order 13513, U.S. DOT Order 3902.10 & MA 33 §34(b))	X	X	X	X	X	X					

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Prohibition on Covered Telecommunications and Video Surveillance Equipment or Services (2 CFR 200.16, 2 CFR Appendix II (K))	X	X	X	X	X	X					
Federal Tax Liability and Recent Felony Convictions (DOT Order 4200.6; MA 33 § 4(g)(2))	X	X	X	X	X	X					
Special Notification Requirements for States (MA 33 §37) *	X	X	X	X	X	X					
Domestic Preferences for Procurements (2 CFR 184, 2 CFR 200.322 & 2 CFR Appendix II (L)) (Note: This is separate from Buy America.)	X	X	X	X	X	X					
Procurement of Recovered Materials (40 CFR 247, 2 CFR 200.323 & 2 CFR Appendix II (J))		X	X	X	X	X					
Termination Clauses (2 CFR Appendix II (B))		X	X	X	X	X					
Notification of Fraud, Waste, Abuse, or Misconduct to the U.S. DOT Inspector General (False Claims Act, 31 U.S.C. § 3729 et seq. & MA 33 §39(b))			X	X	X	X					
Debarment and Suspension (2 CFR 180.220 & 2 CFR 200 Appendix II (H); MA 33 § 4(h)(4) & § 39(b))			X	X	X	X					
Byrd Anti-Lobbying Amendment (31 U.S.C.				X	X	X					

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1352 & 2 CFR Appendix II (I))											
Clean Air (42 U.S.C. 7401-7671g , 2 CFR Appendix II (G)) and Water Acts (33 U.S.C. 1251-1387 & 2 CFR 200 Appendix II (G))					X	X					
Remedies for Breach of Contract (2 CFR 200 Appendix II (A))						X					
Contract Work Hours and Safety Standards Act (40 U.S.C. 3702 and 3704 , 29 CFR Part 5 & 2 CFR 200 Appendix II (E))							X	If > \$100k	If > \$100k		
Copeland Anti-Kickback Act ((40 U.S.C. 3145 , (29 CFR Part 3 & 2 CFR 200 Appendix II (D))							If > \$2,000 for construction	X	If > \$2,000		
Davis-Bacon (49 U.S.C. § 5333; 29 CFR Part 5 ; 2 CFR 200 Appendix II (D))							If for construction	X	X		
Veterans Employment Preference (49 U.S.C. § 5325(k), 5 U.S.C. § 2108)							If for construction	X	X		
Rights to Inventions (37 CFR Part 401.14 & 2 CFR 200 Appendix II (F))										X	
Cargo Preference – Use of United States-Flag Commercial Vessels (46 U.S.C. § 55305, 46 CFR Part 381.7 & MA 33 §15(c))											X

*Provision is also required in the solicitation.