

Master Agreement 26

Fiscal Year 2020

For Federal fiscal year 2020, FTA made the following changes to the Master Agreement.

- Added new Subsection 4(g), *Federal Tax Liability and Recent Felony Convictions*. Recent appropriations laws (e.g., Consolidated Appropriations Act, 2019, Pub. L. 116-6, div. D, title VII, §§ 744–745) prohibit FTA from entering into transactions with corporations that have delinquent tax debt or that have been convicted of felonies within the last 24 months. U.S. DOT Order 4200.6 applies this prohibition to all lower tier transactions. New Subsection 4(g) requires the Recipient to flow down the requirements of Order 4200.6 to its contractors and subrecipients.
- Amend the notice provisions of Section 39, *Disputes, Breaches, Defaults, and Litigation*. Previously, Section 39 required the Recipient to give “prompt” notice to the U.S. DOT OIG when it has knowledge of potential criminal or fraudulent activity on a project. FTA observed ambiguity in the word prompt. Section 39 now specifies that prompt notice means “to refer information without delay and without change”. Section 39 also specifies that the notice requirement extends to cover any law enforcement division of the Recipient (e.g., a local inspector general), and not just the divisions of the Recipient engaged in transit operations. This revision is meant to cover those situations where a local law enforcement agency may possess information related to an investigation that it is reluctant to share outside of the law enforcement community.
- Relocated provisions related to debarment and suspension from Section 16, *Procurement*, to Section 4, *Ethics, Political Activity, Disqualifications, and Certain Criminal Activity*. This was done to emphasize that debarment rules apply to all covered transactions, not just procurement activities.
- Added language to Section 38, *Freedom of Information*, to emphasize the importance of properly marking sensitive security information (SSI) in documents provided to FTA. FTA has observed inconsistent marking of SSI: both unmarked SSI and overbroad assertions of SSI.