

FEDERAL TRANSIT ADMINISTRATION (FTA)  
2017 COMPREHENSIVE REVIEW PROGRAM  
ADDENDUM #3 TO COMPREHENSIVE REVIEW PROGRAM GUIDE  
May 5, 2017

*The below items are identified as revisions to the FTA 2017 Comprehensive Review Guide and should be implemented immediately.*

1) **Issue:** Cost/Price Analysis

FTA Circular 4220.1F states the following:

- *The Common Grant Rules require the recipient to perform a cost analysis or price analysis in connection with **every procurement action**, including contract modifications.*

However, the Super Circular limits this to procurement actions over the simplified acquisition threshold:

- *The non-Federal entity must perform a cost or price analysis in connection with every procurement action **in excess of the Simplified Acquisition Threshold** including contract modifications.*

**Action:** Discontinue making deficiencies for agencies that do not perform a cost or price analysis for procurements under the simplified acquisition threshold ([Comprehensive Review Guide questions #22, 32, 56, 59, 68](#)).

2) **Issue:** Piggybacking

During the oversight conference, FTA's Office of Chief Council (Cecelia Comito) emphasized the prohibition of piggybacking on certain vehicle procurements because of the new increasing Buy America domestic content requirements.

**Action:** Reviewers are to take note of the following from FTA's September 1, 2016 Federal Register Notice and apply accordingly, during the conduct of reviews ([Comprehensive Guide questions 49 and 68](#)):

*For rolling stock contracts entered into **on or after October 1, 2015**, i.e., the effective date of the Fixing America's Surface Transportation (FAST) Act, the applicable domestic content percentage under section 5323(j)(2)(C) will be based on the scheduled delivery date of the first production vehicle (i.e., the first vehicle intended to carry passengers in revenue service), final acceptance notwithstanding. Thus, if a recipient or group of recipients as part of a joint procurement enter into a contract for rolling stock on or after October 1, 2015, then the new FAST Act provisions applicable for the date of delivery of the first production vehicle shall apply. Accordingly, if the first production vehicle is delivered in FY2018 or FY2019, the domestic content must be more than 65 percent, and if the first production vehicle is delivered in FY2020 or beyond, the domestic content must be more than 70 percent.*

*For contracts entered into **before October 1, 2015**, all vehicles delivered under the original contract base order and any properly exercised options by recipients who are direct parties to the contract may contain a domestic content of more than 60 percent, per the pre-FAST Act requirements. **Recipients who are not direct parties to a contract executed before October 1, 2015, however, may not exercise assigned options (a/k/a "piggybacking") on such contracts.***

Reference: [Implementation of the Phased Increase in Domestic Content Under the Buy America Waiver for Rolling Stock](#)