

CHANGES TO FTA Circular 4220.1F – 4-14-09

1. No changes have been made to FTA Circular 4220.1F as a result of enactment of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, signed into law February 17, 2009.

2. However, the following substantive changes and technical corrections have been made.

a. Chapter IV, Subsection 2.h(8) pertaining to the use of Project Labor Agreements (PLA) has been revised to reflect the new Executive Order No. 13502 of, “Use of Project Labor Agreements for Federal Construction Projects,” February 6, 2009, that removes restrictions on a recipient’s use of Project Labor Agreements and rescinds former Executive Order No. 13202, “Preservation of Open Competition and Government Neutrality Towards Government Contractors’ Labor Relations on Federal and Federally Funded Construction Projects,” February 17, 2001, as amended by Executive Order No. 13208, April 6, 2001, 41 U.S.C. Section 251 note.

b. Chapter VI, Subsection 3(a)(1) has been corrected to state that micro-purchase standards may be used for contracts of \$3,000 or less, except that Davis-Bacon requirements will apply to third party contracts of more than \$2,000.

c. In Appendix A, a reference to the new Executive Order, No. 13502 of, “Use of Project Labor Agreements for Federal Construction Projects,” February 6, 2009, has been added.

d. In Appendix D, “FEDERALLY REQUIRED AND OTHER MODEL CLAUSES,” “A. REQUIRED THIRD PARTY CONTRACT CLAUSES,” we set out separate category for Termination clauses for third party contracts exceeding \$10,000 to which 49 CFR Part 18 applies. [Appendix D, Page 1 of 8].

e. In Appendix D, “FEDERALLY REQUIRED AND OTHER MODEL CLAUSES,” “A. REQUIRED THIRD PARTY CONTRACT CLAUSES,” we set out separate category for Suspension and Debarment clauses for third party contracts exceeding \$25,000. [Appendix D, Page 1 of 8].

f. In Appendix D, “FEDERALLY REQUIRED AND OTHER MODEL CLAUSES,” “APPLICABILITY OF THIRD PARTY CONTRACT CLAUSES,” we added information that the requirement for a Termination clause applies to third party contracts exceeding \$10,000 to which 49 CFR Part 18 applies. [Appendix D, Page 6 of 8]

g. In Appendix D, “FEDERALLY REQUIRED AND OTHER MODEL CLAUSES,” “APPLICABILITY OF THIRD PARTY CONTRACT CLAUSES,” we added information that the requirement for a Contract Work Hours and Safety Standards Act clause applies to third party contracts exceeding \$100,000 to which 49 CFR Part 18 applies. [Appendix D, Page 6 of 8].