

FTA FISCAL YEAR 2004 AGREEMENTS  
COMPARED WITH  
FTA FISCAL YEAR 2003 AGREEMENTS

Grant Agreement, Supplemental Agreement, and Cooperative Agreement

The following changes have been made:

1. New document numbers and dates have been added as follows:
  - a. Grant Agreement, FTA G-10, October 1, 2003,
  - b. Supplemental Agreement, Attachment to FTA G-10, October 1, 2003, and
  - c. Cooperative Agreement, FTA C-10, October 1, 2003.
2. The Master Agreement website address has been revised.

Master Agreement

Apart from minor editorial changes, this Master Agreement has been modified to reflect the following:

1. Cover Page. The new document number and date for the Master Agreement is FTA MA(10), October 1, 2003. A new FTA website address has been added.
2. Preamble, First Paragraph, Last Sentence. Although FTA may choose to use this Master Agreement in connection with projects funded under other authorities, FTA reserves the right to use other terms and conditions.
3. Subsection 9.b(1)(h)1. A reference to the new U.S. Treasury regulations, "Rules and Procedures for Efficient Federal-State Funds Transfers," 31 C.F.R. Part 205, 67 Fed. Reg. 31880, May 10, 2002, has been substituted for the reference to the previous Treasury regulations.
4. Subsection 9.f. has been revised to accommodate the joint U.S. Treasury/U.S. Department of Justice Regulations, "Standards for the Administrative Collection of Claims," which now expressly exempt disallowed costs from the interest provisions of 31 C.F.R. Part 205, but caution that other interest provisions may apply. Notably, the Debt Collection Improvement Act imposes interest requirements on debts owed to the Federal Government and Department of the Treasury permits agencies to levy pre-judgment common law interest on debts not covered by that Act. However, excess payments to States are still subject to 31 C.F.R. Part 205.
5. Subsection 10.b(1). OMB Circular A-133 has been revised. Among the revisions published at 68 Fed. Reg. 38401 *et seq.*, June 27, 2003, is an increase in the audit threshold from \$300,000 to \$500,000. In addition, because OMB publishes individual agency compliance supplements in the middle of each Federal fiscal year,

references to specific OMB A-133 Compliance Supplement notices are removed and replaced with a requirement to comply with the most recent applicable Compliance Supplement.

6. Subsection 12.d. Because not all projects administered by FTA will be financed with funding to which FTA's disadvantaged business enterprise requirements apply, DBE requirements have been qualified.
7. Subsection 15.a. FTA Circular 4220.1E, "Third Party Contracting Guidelines, was issued June 19, 2003, and supersedes FTA Circular 4220.1D. In order that this Master Agreement may be used in projects having procurement standards different from those of FTA Circular 4220.1E, the subsection indicates that the circular applies to the extent required.
8. Subsection 15.i. As part of the codification of title 40, United States Code, the special procurement requirements for architectural and engineering services, formerly set forth at 40 U.S.C. §§ 541 *et seq.* are now codified at 40 U.S.C. §§ 1101 *et seq.* In order that this Master Agreement may be used in projects having different architectural and engineering procurement standards, this subsection indicates that not all projects administered by FTA are covered by FTA's architectural and engineering procurement requirements at 49 U.S.C. § 5325(b).
9. Subsection 17.a. OMB is now developing unified standards for reporting inventions made in the course of a project. While OMB does not appear to be requiring Recipients to report all inventions electronically in a specific format, FTA may wish to require some or all of its recipients to use that format. Thus a provision has been added establishing FTA's right to establish formatting requirements for these reports.
10. Subsection 24.a(1). As part of the codification of title 40, United States Code, the Davis-Bacon Act, formerly set forth at 40 U.S.C. §§ 276a – 276a(7), is now codified at 40 U.S.C. §§ 3141 *et seq.*
11. Subsection 24.a(2). As part of the codification of title 40, United States Code, section 102 of the Contract Work Hours and Safety Standards Act, formerly set forth at 40 U.S.C. §§ 327 – 332, is now codified at 40 U.S.C. §§ 3701 *et seq.*, esp. § 3702.
12. Subsection 24.a(2). As part of the codification of title 40, United States Code, section 107 of the Contract Work Hours and Safety Standards Act, formerly set forth at 40 U.S.C. § 333, is now codified at 40 U.S.C. §§ 3701 *et seq.*, esp. § 3704.
13. Subsection 24.a(3). The provisions of the Copeland Anti-Kickback Act, formerly set forth at 40 U.S.C. § 276c, have been rescinded. This subsection has been modified to reflect only the citation for the Copeland Act at 18 U.S.C. § 874.

15. Subsection 24.b. As part of the codification of title 40, United States Code, section 102 of the Contract Work Hours and Safety Standards Act, formerly set forth at 40 U.S.C. §§ 327 – 332, is now codified at 40 U.S.C. §§ 3701 *et seq.*, esp. § 3702.
16. Subsection 31.a. New U.S. DOT Drug-Free Workplace regulations, expected to be promulgated in early October 2003, will be set forth in a new Part 32 of 49 C.F.R. and thus will no longer be included in the U.S. DOT's Debarment and Suspension (Nonprocurement) regulations.
17. Subsection 41.c. Because FTA publishes its Over-the-Road Bus Accessibility Program Grants notice in the middle of each Federal fiscal year, references to specific FTA notices are removed and replaced with the requirement to comply with the latest applicable notice.