



April 12, 2023

To All Proposers:

Subject: **BID #: 7987-W3, Toilet & Shower Room – Union Station / WRA**

ADDENDUM NO. 2

To Whom It May Concern:

With reference to our proposal request relative to the above subject, please refer to the changes/modifications/clarifications to the original proposal request.

- **PLEASE SEE ATTACHED FTA CLAUSES PERTAINING TO THIS BID.**

Proposers are requested to acknowledge and/or include this addendum with submission. All other terms, conditions and specifications remain unchanged.

Very truly yours,

Christopher J. Gagliastro
Purchasing Director

Exhibit 6
APPLICABILITY of THIRD-PARTY CONTRACT CLAUSES
(excluding micro-purchases, except for construction contracts over \$2,000)

CLAUSE	TYPE OF PROCUREMENT				
	Professional Services/A&E	Operations/Management/Subrecipients	Rolling Stock Purchase	Construction	Materials and Supplies
No Federal government obligations to third parties by use of a disclaimer	All	All	All	All	All
Program fraud and false or fraudulent statements and related acts	All	All	All	All	All
Access to Records	All	All	All	All	All
Federal changes	All	All	All	All	All
Civil Rights (EEO, Title VI & ADA)	All	All	All	All	All
Incorporation of FTA Terms	All	All	All	All	All
Energy Conservation	All	All	All	All	All
Termination Provisions (not required of states)	>\$10,000	>\$10,000	>\$10,000	>\$10,000	>\$10,000
Debarment and Supervision	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000
Buy America			>\$150,000	>\$150,000	>\$150,000 (for steel, iron, manufacture of products)
Provisions for resolution of disputes, breached, or other litigation	>\$150,000 (see Note)	>\$150,000 (see Note)	>\$150,000 (see Note)	>\$150,000 (see Note)	>\$150,000 (see Note)
Lobbying	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Air	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Water	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Cargo Preference			Involving property that may be transported by ocean vessel	Involving property that may be transported by ocean vessel	Involving property that may be transported by ocean vessel
Fly America	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air	Involving foreign transport or travel by air
Davis Bacon Act				>\$2,000 (including ferry vessels)	
Copeland Anti-Kickback Act, Section 1, Section 2				All >\$2,000 (including ferry vessels)	
Contract Work Hours & Safety Standards Act		>\$100,000	>\$100,000	>\$100,000 (including ferry vessels)	

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CLAUSE	TYPE OF PROCUREMENT				
	Professional Services/A&E	Operations/Management/Subrecipients	Rolling Stock Purchase	Construction	Materials and Supplies
Bonding (not required of states)				>\$100,000 (including ferry vessels)	
Seismic Safety	A&E for new buildings and additions			New buildings & additions	
Transit Employee Protective Arrangements		Transit operations funded with Section 5307, 5309, 5311 or 5316 funds			
Charter Service Operations		All			
School Bus Operations		All			
Drug and Alcohol Testing		Transit operations funded with Section 5307, 5309, 5311 or 5316 funds			
Patent Rights	Research & Development				
Rights in Data and Copyrights requirements	Research & Development				
Special DOL EEO clause for construction projects				>\$10,000	
Disadvantaged Business Enterprises (DBEs)	All	All	All	All	All
Prompt Payment	All if threshold for DBE program met	All if threshold for DBE program met	All if threshold for DBE program met	All if threshold for DBE program met	All if threshold for DBE program met
Recycled Products		Contracts for items designated by EPA, when procuring \$10,000 or more per year		Contracts for items designated by EPA, when procuring \$10,000 or more per year	Contracts for items designated by EPA, when procuring \$10,000 or more per year
ADA Access	All	All	All	All	All
Special Notification Requirements for States	Limited to States	Limited to States	Limited to States	Limited to States	Limited to States

Exhibit 6.1
REQUIRED THIRD PARTY CONTRACT CLAUSES
(excluding micro-purchases, except for construction contracts over \$2,000)

REQUIREMENTS	COMMENTS	MASTER AGREEMENT REFERENCE***
All FTA-Assisted Third Party Contracts and Subcontracts		
No Federal government obligations to third parties by use of a disclaimer		§ 3.1
Program fraud and false or fraudulent statements and related acts		§ 4.3.f
Access to Records		§ 9.c
Federal changes		§ 3.i
Civil Rights (EEO, Title VI & ADA)		§ 12.c, e, and h.
Incorporation of FTA Terms	Per FTA C. 4220.1F	
Energy Conservation		§ 26.j
Awards Exceeding \$10,000		
Termination Provisions	49 CFR Part 18 Not required of States	
Awards Exceeding \$25,000		
Debarment and Supervision	2 CFR Parts 180 and 1200	§ 4.b
Awards Exceeding the Simplified Acquisition Threshold (\$150,000)		
Administration, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.		
Buy America	When tangible property or construction will be acquired.	§ 15.a
Provisions for resolution of disputes, breached, or other litigation		§ 39
Awards Exceeding \$100,000 by Statute		
Lobbying		§ 3.d
Clean Air		§ 16.d(7)7.n
Clean Water		§ 16.d(7)
Transport of Property or Persons		
Cargo Preference	When acquiring property suitable for shipment by ocean vessel	§ 15.b
Fly America	When property or persons transported by air between U.S. and foreign destinations, or between foreign locations,	§ 15.c
Construction Activities		
Davis Bacon Act	Except for contracts <\$2,000 or third party contracts for supplies, materials, or articles ordinarily available on the open market.	§ 16.d(4)
Copeland Anti-Kickback Act,		
Section 1	All	§ 24.a(3)

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REQUIREMENTS	COMMENTS	MASTER AGREEMENT REFERENCE***
Section 2	Contracts >\$2,000	§ 24.a(3)
Contract Work Hours & Safety Standards Act	Contracts >\$100,000	§ 16.d(5)
Bonding for construction activities exceeding \$100,000	5% bid guarantee; 100% performance bond; and Payment bond equal to: ◦50% for contracts < \$1M ◦40% for contracts > \$1M, but < \$5M ◦\$2.5M for contracts > \$5M	§ 16.n(1)
Seismic Safety	Contracts for construction of new buildings or additions to existing buildings	§
Special DOL EEO Clause	Contracts > \$10,000	§ 12.d(3)
Nonconstruction Activities		
Nonconstruction Employee Protection (Contract Work Hours and Safety Standards Act)	Applicable to all turnkey, rolling stock and operational contracts (excluding contracts for transportation services) > \$100,000	§ 28.b
Transit Operations		
Transit Employee Protective Arrangements	Applies to Section 5307, 5309, 5311, and 5316 projects	§ 24.d28.d
Charter Service Operations		§ 2832
School Bus Operations		§ 29
Drug and Alcohol Testing		§ 40.b
Planning, research, Development, and Documentation Projects		
Patent Rights		§ 17
Rights in Data and Copyrights		§ 1820
Miscellaneous Special Requirements		
Disadvantaged Business Enterprises (DBEs)	Contracts awarded on the basis of a bid or proposal offering to use DBEs	§ 12 e3.d
Prompt Payment	Per 49 CFR Part 26, if recipient meets the threshold for a DBE program.	§ 12.e
Recycled Products	Contracts for items designated by EPA, when procuring \$10,000 or more per year	§ 16.d(10)
ADA Access	Contracts for rolling stock or facilities construction/renovation.	§ 12.h3.g
Assignability Clause	Piggyback procurements	§ 16.a(3)
State Requirements		
Special Notification Requirements for States		§ 37