

FTA FISCAL YEAR 2009 AGREEMENTS
COMPARED WITH
FTA FISCAL YEAR 2008 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-15, October 1, 2008,
 - (b) Supplemental Agreement, Attachment to FTA G-15, October 1, 2008, and
 - (c) Cooperative Agreement, FTA C-15, October 1, 2008.

- (2) The website address for the new Master Agreement has been established at <http://www.fta.dot.gov/documents/15-Master.pdf>, and referenced in the Grant Agreement and the Cooperative Agreement.

Master Agreement

Below are the important changes to the new Master Agreement. Minor editorial changes and minor changes in wording have not been identified:

- (1) Cover Page. The document number and date for the new Master Agreement is FTA MA(15), October 1, 2008, and the FTA website is established at <http://www.fta.dot.gov/documents/15-Master.pdf>.

- (2) Cover Page. A reference to the new SAFETEA-LU [*Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users*] Technical Corrections Act, 2008, has been added.

- (3) Preface. A reference to the new SAFETEA-LU Technical Corrections Act, 2008, Pub. L. 110-244, June 6, 2008, has been added.

- (4) Throughout the Circular. Federal laws and regulations are identified as Federal requirements, while Federal directives are identified and treated as guidance rather than requirements.

- (5) Throughout the Circular. To facilitate the use of the Master Agreement for a variety of Project participation arrangements, requirements applicable to subrecipients, lessees, and third party contractors have generally been applied to other Project participants. Exceptions can be crafted for special situations as appropriate for specific projects and arrangements.

- (6) Subsection 1.m. Subsection 201(a) of the SAFETEA-LU Technical Corrections Act, 2008, amended 49 U.S.C. § 5302 to restore the term “sightseeing” from the list of transportation services that are excluded from the definition of “public transportation”

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Accordingly, the definition of “public transportation” in the Master Agreement has been amended to expressly exclude “sightseeing” as a type of “public transportation.”

(7) Subsection 1.n. The definition of “Recipient” has been amended to specify that a “joint venture” and a “team” are examples of multi-party entities whose individual members will be treated as a “Recipient” for purposes of the Grant Agreement or Cooperative Agreement, and Master Agreement.

(8) Subsection 3.b. A reference has been added to the new citation for U.S. DOT regulations, “Nonprocurement Suspension and Debarment,” 2 C.F.R. Part 1200, which adopts and supplements the provisions of U.S. Office of Management and Budget (U.S. OMB) “Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” 2 C.F.R. Part 180.

(9) New Subsection 3.g. A new subsection has been added to implement section 106(g) of the Trafficking Victims Protection Act of 2000, as amended, 22 U.S.C. § 7104(g), and OMB guidance, “Trafficking in Persons: Grants and Cooperative Agreements,” 2 C.F.R. Part 175.

(10) Subsection 15.a. This subsection has been amended to substitute a reference to the new FTA Circular 4220.1F, “Third Party Contracting Guidance,” November 1, 2008, and remove the reference to FTA Circular 4220.1E, “Third Party Contracting Requirements,” June 19, 2003, which will be cancelled November 1, 2008, when FTA Circular 4220.1F becomes effective.

(11) Subsection 15.k. U.S. EPA has consolidated its procurement guidelines pertaining to products containing recovered materials at 40 C.F.R. Part 247 and repealed 40 C.F.R. Parts 248 through 253, which addressed recovered materials separately. The citation for the U.S. Environmental Protection Agency (U.S. EPA) “Comprehensive Procurement Guideline[s] for Products Containing Recovered Materials,” is now “40 C.F.R. Part 247.”

(12) Subsection 15.p. Subsection 201(k) of the SAFETEA-LU Technical Corrections Act, 2008, clarifies that contracts for architectural engineering services shall be awarded competitively as provided under chapter 11 of title 40, United States Code, or under an approved state procurement program adopted before enactment of SAFETEA-LU [August 10, 2005] that is equivalent to the requirements under federal law. The Master Agreement has been amended to reflect that change.

(13) Subsection 24.d. *Federal Register* citations are provided for the new amendments to U.S. DOL guidelines, “Section 5333(b), Federal Transit Law,” published at 73 *Fed. Reg.* 47046 *et seq.*, August 13, 2008.

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(14) New Subsection 24.d(4). A new subsection is added to include protections for employees participating in the Over-the-Road Bus Accessibility Program, as provided by the new amendments to U.S. DOL guidelines, “Section 5333(b), Federal Transit Law,” published at *73 Fed. Reg. 47046 et seq.*, August 13, 2008.

(15) Subsection 25.d. Final Joint FHWA/FTA regulations, “Parks, Recreations Areas, Wildlife and Waterfowl Refuges, and Historic Sites,” 23 C.F.R. Part 774, have been promulgated, and referenced in 49 C.F.R. Part 622, and apply to the use of publicly owned land from a park, recreation area, or wildlife or waterfowl refuge of national, State, or local significance. *See, 73 Fed. Reg. 13368 et seq.*, March 12, 2008, and the amendment to those regulations at *73 Fed. Reg. 31609 et seq.*, June 3, 2008. Provisions pertaining to historic properties have been transferred to Subsection 25.j(3).

(16) Subsection 25.j. This subsection has been expanded and divided into paragraphs to consolidate the requirements for historic sites and separate them from requirements from certain publicly owned lands. DOT’s statutory requirements at 49 U.S.C. § 303 apply to historic sites irrespective of whether publicly or privately owned. Again a reference has been added to final Joint FHWA/FTA regulations, “Parks, Recreations Areas, Wildlife and Waterfowl Refuges, and Historic Sites,” 23 C.F.R. Part 774, and referenced in 49 C.F.R. Part 622. *See, 73 Fed. Reg. 13368 et seq.*, March 12, 2008, and amendment at *73 Fed. Reg. 31609 et seq.*, June 3, 2008.

(17) Section 28. The Charter Service Agreement has been amended to reflect the provisions of the new amendments to FTA regulations, “Charter Service,” 49 C.F.R. Part 604, published at *73 Fed. Reg. 2325 et seq.*, January 14, 2008, and amended at *73 Fed. Reg. 44927 et seq.*, August 1, 2008, and *73 Fed. Reg. 46554 et seq.*, August 11, 2008.

(18) Subsection 44.d. The popular name “Animal Welfare Act, as amended” has been substituted for “Laboratory Animal Welfare Act, as amended” 7 U.S.C. §§ 2131 *et seq.*, to reflect the broader protections afforded animals under the amended Act.

(19) Subsection 44.e. The citation for the U.S. Department of Commerce, “Export Administration Regulations,” has been corrected to read “15 C.F.R. Parts 730 *et seq.*”

(20) Section 49. Subsection 201(i) of the SAFETEA-LU Technical Corrections Act, 2008 changed the name of the “Alternative Transportation in Parks and Public Lands Program,” 49 U.S.C. § 5320 to the “Paul S. Sarbanes Transit in Parks Program.” The Master Agreement has been amended to reflect that change.

(21) New Subsection 50.c. A new subsection has been added referring the Recipient to the new employee protection provisions for the Over-the-Road Bus Accessibility

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Program at Subsection 24.d(4) of the Master Agreement. Former Subsection 50.c has been re-numbered Subsection 50.d.