



# LET'S GO

PROCUREMENT CONSIDERATIONS AND DEVELOPMENT

*The views expressed in this presentation are solely those of the presenter and are not attributable to APTA.*

WE'RE GOING PLACES. LET'S GO TOGETHER.



**FTA Master Agreement Updates**

**A Brief Word on DBEs**

**Risk Identification in Project Planning and Contracting**

**Contract Changes**

# FTA MASTER AGREEMENT UPDATES

VERSION 32

MARCH 26, 2025

(b) *Nondiscrimination in Federal Public Transportation Programs.* The Recipient agrees to, and assures that it and each Third Party Participant will:

- (1) Prohibit discrimination based on race, color, religion, national origin, sex (including sexual orientation ~~and gender identity~~), disability, or age.
- (2) Prohibit the:

**Commented [A2]:** Struck in accordance with executive order, [Defending Women From Gender Ideology Extremism And Restoring Biological Truth To The Federal Government](#) – The White House

VERSION 33

APRIL 25, 2025

VERSION 34

NOVEMBER 26, 2025

- (m) *Federal Law and Public Policy Requirements.* The Recipient shall ensure that Federal funding is expended in full accordance with the U.S. Constitution, Federal Law, and statutory and public policy requirements: including, but not limited to, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination; ~~and the Recipient will cooperate with Federal officials in the enforcement of Federal law, including cooperating with and not impeding U.S. Immigration and Customs Enforcement (ICE) and other Federal offices and components of the Department of Homeland Security in the enforcement of Federal immigration law.~~

# A BRIEF WORD ON DBEs

**DOT Interim Final  
Rule  
October 3, 2025**

**Administration of  
Current DBE  
Programs**

- Elimination of presumption of social or economic disadvantage based on race or gender
- Direction that dbe-status should be based solely on individual showing of social and economic disadvantage as demonstrated through personal narrative
- UCPs are to re-evaluate current DBEs via personal narrative
- DBE programs remain in effect but DBE goals are suspended pending a re-certification by the Unified Certification Programs
- Race and gender-neutral DBE goals (DBE-Neutral small business set-aside programs) can be maintained
- Commercially Useful Function reviews suspended but DBE termination provision under 49 CFR 26.53(f) remain in effect

# RISK IDENTIFICATION IN PROJECT PLANNING AND CONTRACTING

Standardized +  
Specialized Risk  
Approaches

Project-Specific Risk  
Assessment

Common Contract Areas  
to Implement Risk  
Management Strategies



# CONTRACT CHANGES ON FTA-FUNDED PROJECTS

CARDINAL CHANGES

“A significant change in contract work that causes a major deviation from the original purpose of the work or the intended method of achievement, or causes a revision of contract work so extensive, significant, or cumulative that, in effect, the contractor is required to perform very different work from that contemplated in the original competition, is a cardinal change.”  
FTA Circular 4220.1G

FACTORS FOR  
EVALUATING CARDINAL  
CHANGES

SPECIFIC EXAMPLES





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