

- arrangements, other third-party agreements of any type, and supporting materials related to those records.
- b. Retention Period. The Service Provider agrees to comply with the record retention requirements in accordance with 2 C.F.R. § 200.333. The Service Provider shall maintain all books, records, accounts and reports required under this Contract for a period of at not less than three (3) years after the date of termination or expiration of this Contract, except in the event of litigation or settlement of claims arising from the performance of this Contract, in which case records shall be maintained until the disposition of all such litigation, appeals, claims or exceptions related thereto.
 - c. Access to Records. The Service Provider agrees to provide sufficient access to FTA and its contractors to inspect and audit records and information related to performance of this Contract as reasonably may be required.
 - d. Access to the Sites of Performance. The Service Provider agrees to permit FTA and its contractors access to the sites of performance under this contract as reasonably may be required.

3. Buy American Requirements

The Service Provider agrees to comply with 49 U.S.C. 5323(j) and 49 C.F.R. part 661, which provide that Federal funds may not be obligated unless all steel, iron, and manufactured products used in FTA funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 C.F.R. § 661.7. Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. § 661.11. For the avoidance of doubt, any vehicles used for the operation of the Demand Response Rideshare Service that are owned or leased by independent contractor Driver Partners of Service Provider shall not be subject to the above provisions.

4. Charter Service

The Service Provider agrees to comply with 49 U.S.C. 5323(d), 5323(r), and 49 C.F.R. part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter bus service using federally funded equipment or facilities if there is at least one private charter bus operator willing and able to provide the service, except as permitted under:

1. Federal transit laws, specifically 49 U.S.C. § 5323(d);
2. FTA regulations, "Charter Service," 49 C.F.R. part 604;
3. Any other federal Charter Service regulations; or
4. Federal guidance, except as FTA determines otherwise in writing.

The Service Provider agrees that if it engages in a pattern of violations of FTA's Charter Service regulations, FTA may require corrective measures or impose remedies on it. These corrective measures and remedies may include:

1. Barring it or any subcontractor operating public transportation under its Award that has provided prohibited charter service from receiving federal assistance from FTA;
2. Withholding an amount of federal assistance as provided by Appendix D to part 604 of FTA's Charter Service regulations; or
3. Any other appropriate remedy that may apply.

The Service Provider should also include the substance of this clause in each subcontract that may involve operating public transit services.