



## MTA Adopts Revised Contractor Debarment Regulations

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The Metropolitan Transit Authority (“MTA”) recently published and implemented revised regulations relating to “Contractor1” debarment.

Links to the new regulations can be found [here](#) (page 10 of the document, page 15 of the PDF) and [here](#) (page 14 of the document, page 20 of the PDF).

### Highlights of PAL §1279-h

The revised debarment regulations are not as severe as the version adopted last year, adding flexibility to applying the debarment program. Under the new regulations, debarment is not mandatory if threshold requirements for project delays and/or cost overruns are surpassed. The MTA may debar a contractor but is not required to do so, and the MTA may defer initiating or pursuing a debarment proceeding if the contractor has asserted a claim in good faith for additional money or time. The MTA Board must also ratify or nullify any determination to begin or pursue a debarment proceeding [1004.3(a)(3)].

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1 The Debarment Regulations define contractor as follows: “(c) Contractor means any person, partnership, firm, corporation, or association, including any consultant, supplier or vendor, with whom the Authority has directly entered into a contract, but shall not include the federal government, a state agency, any public authority or public benefit corporation, or any unit of local government.”

For more information on the regulations, [click here](#).

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