

# Section-by-Section Summary of Changes to Form FHWA-1273

September 6, 2023

The following is a section-by-section overview of the revisions made to Form FHWA-1273.

## I. GENERAL

- No change.

## II. NONDISCRIMINATION

- No change.

## III. NONSEGREGATED FACILITIES

- No change.

## IV. DAVIS-BACON AND RELATED ACT PROVISIONS

- On August 23, 2023, the Department of Labor (DOL) published its Davis-Bacon final rule ([88 FR 57526](#)) that, among other things, amended the required contract clauses contained in this section. Federally assisted prime contracts awarded after the effective date of the rule, October 23, 2023, and all related lower-tier subcontracts must incorporate the new provisions, per DOL's final rule. Section IV has been updated to reflect the modifications in 29 CFR 5.5(a).

## V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

- This section is revised per the discussion in the previous section. However, the revisions in Section V reflect the modifications in 29 CFR 5.5(b).

## VI. SUBLETTING OR ASSIGNING THE CONTRACT

- No change.

## VII. SAFETY: ACCIDENT PREVENTION

- No change.

## VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

- No change.

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT:

- The citation in this section has been revised to be consistent with the renumbering of 2 CFR 200.327 (8/13/2020 [85 FR 49506](#)).

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION:

- A correction has been made to the numbering for “4. *Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants.*” Numbering for this item was inadvertently omitted in previous editions of FHWA-1273.

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING:

- No change.

XII. USE OF UNITED STATES-FLAG VESSELS

- No change.

ATTACHMENT A - EMPLOYMENT PREFERENCE FOR APPALACHIAN CONTRACTS:

- No change.