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 the video


Project Development Contract Specifications Form FHWA – 1273

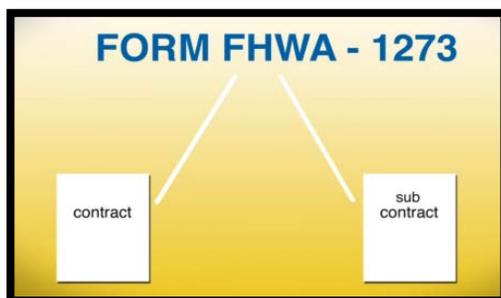
www.fhwa.dot.gov/federal-aidessentials

An overview of standard contract provisions required on all Federal-aid construction projects



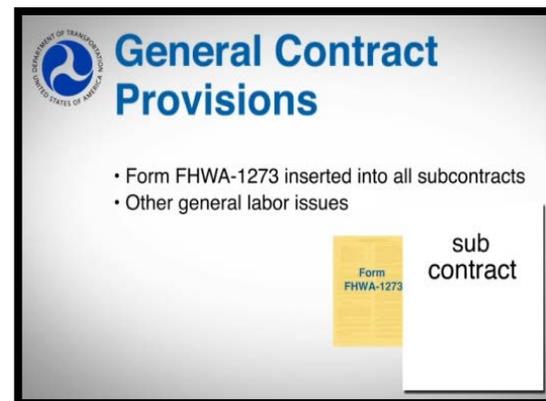
When your local public agency (LPA) construction project uses Federal funds, there are a number of Federal requirements that apply. For this reason, make sure the Federal government's requirements are included in the project contract between your agency and the contractor.

To make it easy, the Federal Highway Administration (FHWA) has put these requirements into Form FHWA-1273. This document is often referred to simply as Form 1273 or "the 1273." It is to be inserted, intact, in all your Federal-aid contracts and subcontracts. This form contains several of the most common contract provisions mandated by various Federal agencies when Federal dollars are involved. An unaltered copy of the most recent version of Form 1273 must be physically incorporated in all contracts for a specific project regardless of the dollar value of the contract.



You, the LPA, should make sure that Form 1273 is included in your primary contracts for your construction projects. Also ensure that your

contractors are aware that if they subcontract any portion of the work out, Form 1273 is to be included in those contracts as well. This form must be incorporated at all levels of the contracting process and cannot be changed in any way.



Minor additions covering State or local requirements may be included in a separate supplement as long as these additions do not conflict with State or Federal laws and regulations. Additions also cannot change the intent of the required contract provisions of Form 1273. Remember, the Form 1273 itself can't be altered. Contact your State department of transportation, or State DOT, to help you determine the types of modifications that are allowed.

To make the form easier to follow, let's look at the requirements found in Form 1273. There are five sections that contain general contract provisions. The topics in this group include:

- The requirement to include Form 1273 into all subcontracts and other general labor issues
- Details regarding subletting requirements
- Notice concerning false statements about highway projects
- Requirements relating to debarment, ineligible, or excluded project participants
- And prohibiting the use of contract funds for lobbying efforts.



The form also incorporates civil rights provisions, including nondiscrimination, equal employment opportunity, and affirmative action requirements, as well as provisions to ensure non-segregation and non-segregated facilities.

Provisions included from the Department of Labor include:



- Minimum wage rates and other employment related areas
- Payroll, payroll documents and record retention
- OSHA accident prevention and jobsite safety.

The Environmental Protection Agency provision contains the Clean Air and Clean Water Act requirements.

Attachment A details hiring preferences for Appalachian Development Highway projects.

The self-contained Form 1273 was developed to outline the requirements of various Federal agencies in order to safeguard the investment of Federal dollars on your projects. As such, make sure to incorporate Form 1273, intact, into all contracts and subcontracts for Federal-aid LPA projects.

The self-contained
FORM FHWA - 1273
was developed to outline
the requirements of various
federal agencies

Additional Resources

- Link to Form FHWA-1273, required in all Federal-aid construction contracts
<http://www.fhwa.dot.gov/programadmin/contracts/1273/1273.pdf>
- Federal regulations for required contract provisions
<http://www.ecfr.gov/cgi/t/text/text-idx?c=ecfr&sid=6e2ccbb66576498220877d55e8e71e7a&rqn=div5&view=text&node=23:1.0.1.7.22&idno=23>
- Reference guide chapter on Form FHWA-1273 requirements
<http://www.fhwa.dot.gov/programadmin/contracts/core02.cfm#s2A>

The content of this document is not a substitute for information obtained from State departments of transportation, appropriate FHWA Division Offices, and applicable laws. Scenarios have been simplified for emphasis and do not necessarily reflect the actual range of requirements applicable to the scenario or this topic. This document was created under contract number DTFH63-11-F-00066 by the Federal Highway Administration, U.S. Department of Transportation, and is offered to the public to heighten and focus awareness of Federal-aid requirements within the local public agencies community and reinforces the importance of these necessary policies, procedures, and practices.

This companion resource is the script content for the video production of the same name.