



Expires – Upon Issuance of LPP

Revised Form FHWA-1273 for Federal-aid Construction Contracts

I. BACKGROUND

The Federal Highway Administration (FHWA) has revised the Form FHWA-1273 which contains required contract provisions for federal-aid construction contracts. The recently revised Form, FHWA-1273, is dated May 1, 2012; and represents the first major revision of the Form FHWA-1273 since March 1994, and includes provisions of the current policies from the FHWA and other Federal agencies.

The purpose of this Division of Local Assistance Office Bulletin (DLA-OB) is to announce the availability and mandatory use of the revised Form FHWA-1273, and to ensure its speedy implementation. The revised Form FHWA-1273 is included as Attachment 1. Attachment 2 to this DLA-OB provides a summary of the revisions when compared to the superseded Form FHWA-1273 dated March 10, 1994.

II. POLICY

The Form FHWA-1273 shall be physically included into all Federal-aid construction contracts, design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services).

Changes may not be made to the Form-1273 itself. Any necessary changes or references to non-applicable sections of the federal-aid construction contract provisions in the Form FHWA-1273, must be made by a separate special provision rather than changing the Form itself.

The unmodified [Form FHWA-1273](#) dated May 1, 2012, shall be included in the contract documents of all Federal-aid construction projects authorized on or after **August 9, 2012**. In addition, all Federal-aid construction projects advertised on or after September 1, 2012 must contain the unmodified May 1, 2012 version of Form FHWA-1273. Contracts authorized before August 9, 2012 **AND** advertised before September 1, 2012 are not affected.

III. PROCEDURE

Exhibit 12-E, Attachment B (Form FHWA-1273) of the Local Assistance Procedures Manual is replaced in its entirety with Attachment 1 to this Office Bulletin.



IV. APPLICABILITY/IMPACTS

This change is applicable to all Federal-aid construction contracts and subcontracts authorized on or after August 9, 2012 or advertised on or after September 1, 2012. Failure of the local agency to incorporate the Form FHWA-1273 in the contract is considered an unrecoverable project deficiency and shall make the construction phase of the project ineligible for federal reimbursement.

Recommended: Original Signed By 7/31/12
Eugene Shy, Committee Chair Date

Approved: Original Signed By 7/31/12
Rihui Zhang, Office Chief Date
Office of Policy Development and Quality Assurance

Attachment 1 – LAPM Exhibit 12-E, Attachment B (Form FHWA-1273)
Attachment 2 – Summary of Revisions to Form FHWA-1273

Superseded by
OB 13-06