

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

June 25, 2026

Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the States or the public in any way. This document is intended only to provide information regarding existing requirements under the law or agency policies.

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

I. GENERAL

- Section I has been updated to reflect the rescission of 23 CFR part 633 subpart A, explicitly stating that the use of Form FHWA-1273 is at that contracting agency's option, and that the contracting agency retains the authority to determine whether the contractor must use Form FHWA-1273 to physically incorporate required contract provisions in subcontracts.

II. NONDISCRIMINATION

- Significant revisions were made to align with Executive Order 14173. This includes the removal of references to the revoked Executive Order 11246 and 41 CFR Part 60. Detailed procedural requirements for affirmative action steps, the designation of an Equal Employment Opportunity Officer, and specific recruitment and training mandates have also been removed.

III. NONSEGREGATED FACILITIES (Previous Edition)

- The previous Section III requiring the certification of nonsegregated facilities has been removed entirely from the document in accordance with Executive Order 14173.

III. DAVIS-BACON AND RELATED ACT PROVISIONS

- Renumbered from Section IV.

IV. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

- Renumbered from Section V. The liquidated damages penalty amount was adjusted from \$31 to \$33 per calendar day to reflect annual inflation adjustments.

V. SUBLETTING OR ASSIGNING THE CONTRACT

- Renumbered from Section VI.

VI. SAFETY: ACCIDENT PREVENTION

- Renumbered from Section VII.

VII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

- Renumbered from Section VIII.

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

- Renumbered from Section IX.

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

- Renumbered from Section X.

X. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING:

- Renumbered from Section XI.

XI. USE OF UNITED STATES-FLAG VESSELS

- Renumbered from Section XII.

ATTACHMENT A - EMPLOYMENT PREFERENCE FOR APPALACHIAN CONTRACTS:

- Statutory citations have been updated to reference 40 U.S.C. sections 14501(d) and 14701, and the Appalachian Regional Commission Code as authorized under 40 U.S.C. section 14302.