



Florida Department of Transportation

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ANANTH PRASAD, P.E.
SECRETARY

October 7, 2013

****REVISED****

DCE MEMORANDUM NO. 10-12

(FHWA Approved: (10/7/2013))

**TO: DISTRICT CONSTRUCTION ENGINEERS
DISTRICT CONTRACT COMPLIANCE MANAGERS
RESIDENT COMPLIANCE SPECIALIST
DISTRICT CONTRACT COMPLIANCE SPECIALIST**

FROM: David A. Sadler, P.E., Director, Office of Construction

COPIES: Tom Byron, Nick Finch, Chad Thompson, Caitlin Alcorn, Rafiq Darji, Bob Burleson, Stefan Kulakowski, Carey Shepherd, Rudy Powell, Michael Klump, Art Wright, Patty Vickers

SUBJECT: INCLUSION OF FHWA 1273 IN SUBCONTRACTS

The Federal Highway Administration 1273 is the Required Contract Provision for Federal-Aid Construction Contracts.

In section I, paragraph 1 it states:

Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements, and other agreements for supplies or services).

In section I, paragraph 2 it states:

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for others services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Effective immediately, the following guidance is issued regarding verification of inclusion of FWHA-1273 in subcontracts and all subsequent agreements.

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- Each district will incorporate a process to verify that subcontracts include Form-1273 for all federal aid jobs and that all purchase order, rental agreement or agreement for other services incorporates reference to FHWA- 1273. This verification process shall begin within the first 90 days after the execution date of the contract. The District office shall also make review part of their QA plan.
- Contracts past the initial 90 days at the issuance of this memorandum are not exempt from implementing this verification process.
- This verification process will include no less than 20% of all subcontracts and purchase orders.
- Upon determination that a contractor has not included Form-1273 in a subcontract agreement, the Department will review further subcontracts for compliance with this standard.

If you have questions, please contact Patty Vickers at (850) 414-4688 or Stefan Kulakowski at (850) 414-4742.

DAS/PV/hh