

Anatomy of 1273

Overview, Sections I, II, & XI

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OVERVIEW

EEO Contractor Compliance Program Objective



To ensure that contractors and subcontractors performing work on Federal and Federal-aid highway contracts comply with the EEO and affirmative action requirements set forth in their construction contracts.



OVERVIEW

FHWA

Authorities and Regulations



- **23 U.S.C. §140**
- **State EEO Assurances**
- **23 CFR Part 230 (Subparts A and D)**
- **Contract Provisions**
- **FHWA Notice 4720.7**



OVERVIEW

FHWA-1273

Contract Provision - Revised

- Final notice was published in the June 25, 2012 Federal Register.
- States started using the new 1273 (5/1/2012) in new contracts.
- States incorporated the new 1273 in new contract bids after 8/9/2012.
- The requirement does not apply to existing contracts.



GENERAL

SECTION I

- Physically incorporated in each construction contract funded under Title 23, regardless of tier.
- Applicable requirements can be incorporated by reference for work done.
- Prime responsible for compliance regardless of tier.
- Included in Federal-aid design build contracts.



FHWA Contract Administration Reference:

<http://www.fhwa.dot.gov/programadmin/contracts/1273/>

GENERAL

SECTION I

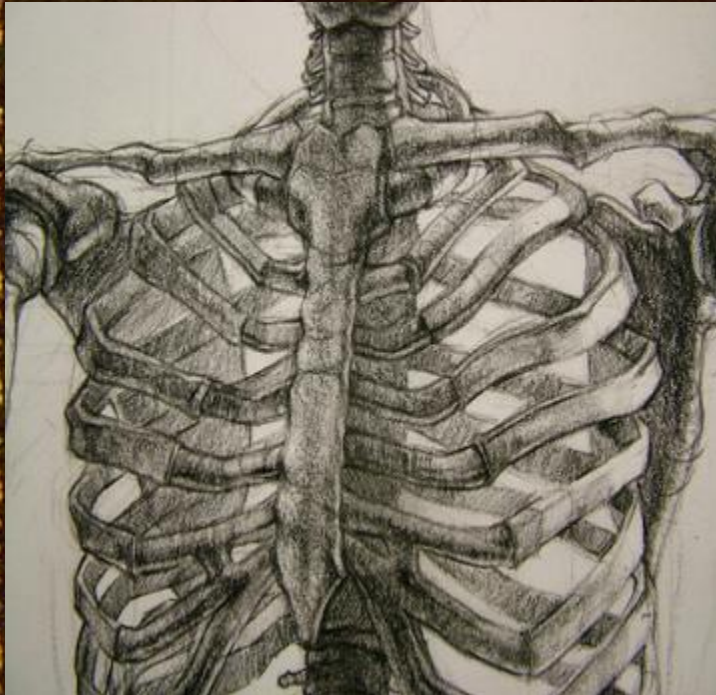
- May reference FHWA -1273 in bid proposals or request for proposal documents.
- Exclusion of physically incorporating the 1273: purchase orders, rental agreements and other supply/service agreements.
- Noncompliance and Sanctions.
- Selection of Labor (*Convict Labor*).



NONDISCRIMINATION

23 CFR 230

Appendix A – EEO
Requirements



- Applies to: Federal-aid construction contracts.
- Contracts and subcontracts of \$10,000 or more.
- Not Applicable to: material supply, engineering, or architectural service contracts.

NONDISCRIMINATION

23 CFR 230

**Appendix A – EEO
Requirements**

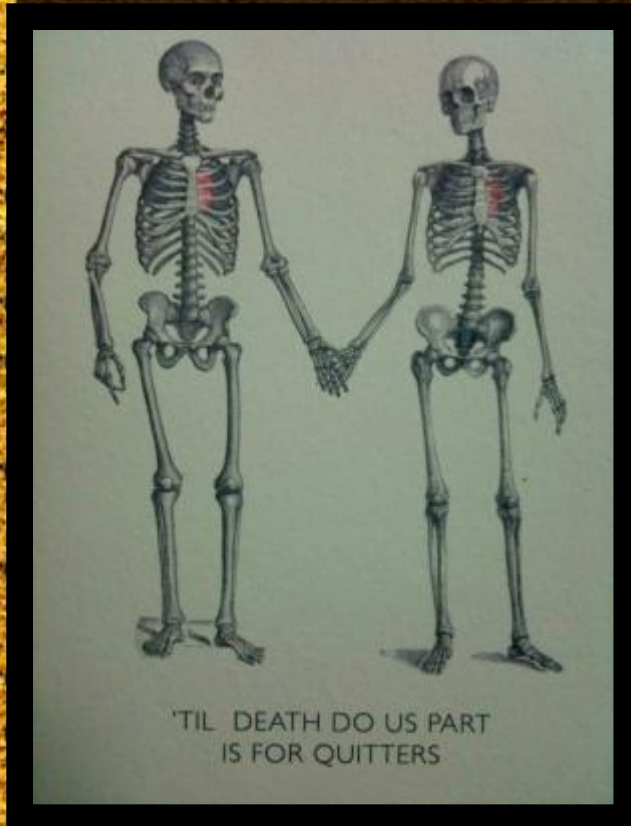


- **Contractors/subcontractors compliance with EEO policies.**
- **Compliance with Department of Labor's policies.**
- **Outlines specific requirement activities for EEO.**

Establishes the contractor's nondiscrimination and affirmative action responsibilities

Certification Regarding Use of Contract Funds for Lobbying:

SECTION XI

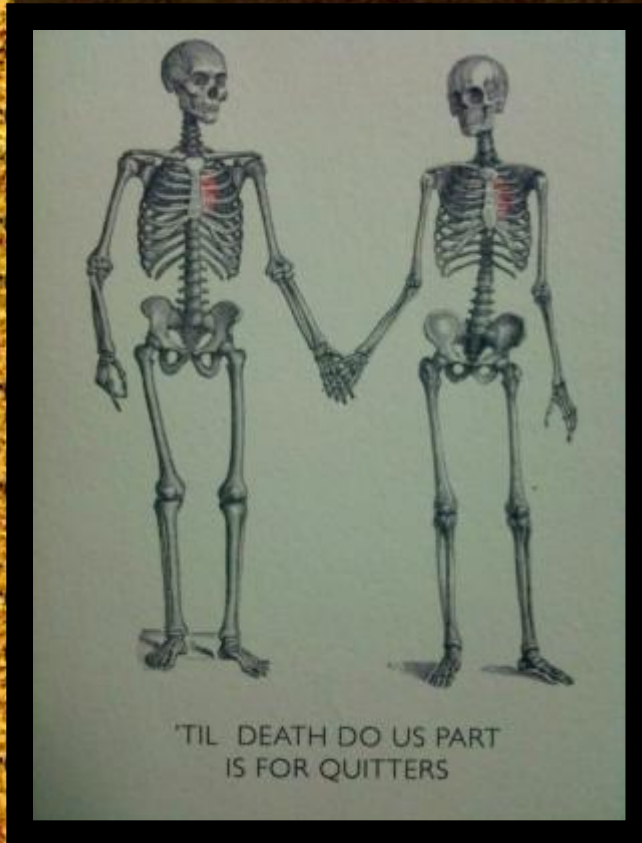


- Applies to all Federal-aid construction and subcontracts of \$100,000.
- Ensures federal funds are not spent to influence, attempt to influence, a Federal agency or Congress in connections with an awarding of any Federal contract or grant.

Certification Regarding Use of Contract Funds for Lobbying:

SECTION XI

Guidance:



- **The State must submit to FHWA Division Office a certification that it has not and will not make prohibited payments for lobbying.**
- **The State signs the project agreement form agreeing to comply with the lobbying restrictions (49 CFR Part 20 and 23 CFR 630.307 (c)(5)).**
- **Local agencies, subrecipients, contractors, subcontractors, and consultants are required to make a lobbying certification.**