

# Memorandum

*Making Conservation  
a California Way of Life.*

To: DEPUTY DISTRICT DIRECTORS, Construction  
DEPUTY DIVISION CHIEF, Structure Construction  
CONSTRUCTION MANAGERS  
SENIOR CONSTRUCTION ENGINEERS  
RESIDENT ENGINEERS

Date: November 1, 2023

File: Division of Construction  
CPD 23-8



From: RAMON HOPKINS, Chief  
Division of Construction

Subject: **FORM FHWA-1273 UPDATE**

On August 23, 2023, the U.S. Department of Labor posted the final rule concerning the Davis-Bacon Act and Davis-Bacon Related Acts to the Federal Register, effective October 23, 2023. The Federal Highway Administration (FHWA) has since revised the regulations titled form FHWA-1273, "Required Contract Provisions Federal-Aid Construction Contracts," for inclusion in all federal-aid contracts awarded as of October 23, 2023, including subcontracts between prime contractors and their subcontractors. The California Department of Transportation (Caltrans) is implementing this change in advertised projects by including addenda, or in limited cases, if bids have been opened and the contract award occurs after October 23, 2023, in a contract awards letter.

In general, the new requirements associated with the final rule concerning the Davis-Bacon Act and Related Acts do not apply to contracts awarded on or before October 23, 2023, and no change orders are anticipated on these contracts. One exception is for existing federal-aid contracts that are modified by a director's order to perform work out of the contract's original scope. Refer to Section 5-302, "Change Order Policy," of the *Construction Manual* for additional information. The implementing change order must include the attached form FHWA-1273 as well as updated wage determinations specific to the change order's scope of work.

If you have questions or comments regarding this directive, contact Lindsey Woolsey, Division of Construction, at [Lindsey.Woolsey@dot.ca.gov](mailto:Lindsey.Woolsey@dot.ca.gov) or (530) 204-7745.

Attachment:

1. Attachment 1 – Form FHWA-1273, "Required Contract Provisions Federal-Aid Construction Contracts," revised October 23, 2023