

Federal Funded ONLY Contracts

Rev. 12/18/2004

FEDERALLY FUNDED "ONLY" CONSTRUCTION CONTRACTS
SPECIAL PROVISIONS DIVISION A - LABOR
May 17, 2008

I. PREAMBLE

It is in the public interest that public buildings and other public works projects be constructed and maintained to the best interest and the highest quality of labor personally available and that persons working on public works projects be compensated according to the real value of the services they perform.

Therefore, the Department shall administer this contract pursuant to the Federal Davis-Bacon and Related Acts, Revised and Current Provisions Federal-Aid Construction Contracts, Form-1273, U.S. Department of Labor's, Field Operations Handbook, MN DOT's Standard Specifications for Construction and MN DOT's Contract Administration Manual.

II. DEFINITIONS

A. Contract: The written agreement between the contracting authority and the prime contractor setting forth their obligations, including, but not limited to, the performance of the work, the furnishing of labor and materials, the basis of payment, and other requirements contained in the contract documents.

B. Contracting Authority: The political subdivision, governmental body, board, department, commission, or office making the award and execution of contract as the party of the first part.

C. Contractor: The term "contractor" in these provisions shall include the prime contractor, subcontractor, agent, or other person doing or contracting to do all or part of the work under this contract.

D. Department: The Department of Transportation of the State of Minnesota, or the political subdivision, governmental body, board, commission, office, department, division, or agency constituted for administration of the contract work within its jurisdiction.

E. First Tier Subcontractor: An individual, firm, corporation, or other entity to which the prime contractor performs part of the contract.

F. Independent Truck Owner Operator (ITOO): An individual, partnership, or principal stockholder of a corporation who owns or holds a vehicle under lease and who contracts that vehicle and the owner's services to an entity that provides construction services to a public works project.

G. Laborer or Mechanic: Includes at least those workers whose duties are manual or physical in nature, including those workers who use tools or who are performing the work of the trade, as distinguished from mental or managerial. The term laborer or mechanic includes apprentices, trainees and helpers.

H. Plan: The plan, profile, typical cross-section, and supplemental drawings that show the location, character, dimensions, and details of the work to be done.

I. Prime Contract: The individual, firm, corporation, or other entity contracting for and undertaking performance of the prescribed work, the party of the second part to the contract, acting directly or through a duly authorized representative.

J. Project: The specific section of the highway, the location, or the type of work together with all appurtenances and structures to be performed under the contract.

23 CFR Part 1.2, 102-002 Standard Specifications for Construction, Section 1103, Minnesota Rules 1308.1300 1-4

Federal ONLY Division A

FRMA-1273 - Revised May 1, 2012

REQUIRED CONTRACT PROVISIONS
FEDERAL-AID CONSTRUCTION CONTRACTS

I. General

1. Noncompetition

2. Davis-Bacon and Related Act Provisions

3. Construction Work and Other Transactions Act Provisions

4. Subletting or Assigning the Contract

5. Safety Accident Prevention

6. False Statements Concerning Highway Projects

7. Implementation of Civil Air Act and Federal Worker Relations Control Act

8. Conflicts with Commonwealth Supervision and Detachment Requirements

9. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Material Preference for Acquisition/Development Highway System or Acquisition Local Access Road Contracts (included in Acquisition contracts only)

1. GENERAL

1. Form FRMA-1273 must be printed incorporated in each construction contract under this title including emergency contracts solely intended for safety services. The contractor (or subcontractor) must meet this form in each subcontract and further require its inclusion in all lower tier subcontracts including purchase orders, verbal agreements and other agreements for supplies or services.

The applicable requirements of Form FRMA-1273 are incorporated by reference in each form under each purchase order, verbal agreement or agreement for other services. The contractor (or subcontractor) must meet this form in each subcontract and further require its inclusion in all lower tier subcontracts including purchase orders, verbal agreements and other agreements for supplies or services.

Form FRMA-1273 must be included in all Federal-aid negotiated contracts, in all subcontracts and in lower tier subcontracts including purchase orders for design services, purchase orders, verbal agreements and other agreements for supplies or services. The contractor must be responsible for compliance to any subcontract, lower tier subcontract or service provider.

Contracting agencies may reference Form FRMA-1273 in all general or request for proposal documents, however, the Form FRMA-1273 must be physically incorporated into reference in all contracts, subcontracts and lower tier subcontracts including purchase orders, verbal agreements and other agreements for supplies or services related to a construction contract.

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor, the subcontractor and the subcontractor under the contractor's contract administration and with the assistance of others under the contractor's contract administration and to all work performed on the contract by the contractor, subcontractor, or by subcontractor.

2. Noncompetition

The contractor and all subcontractors must comply with the noncompetition provisions of 23 CFR Part 230 and 23 CFR 102.102, 23 CFR 102.103, 23 CFR 102.104, 23 CFR 102.105, 23 CFR 102.106, 23 CFR 102.107, 23 CFR 102.108, 23 CFR 102.109, 23 CFR 102.110, 23 CFR 102.111, 23 CFR 102.112, 23 CFR 102.113, 23 CFR 102.114, 23 CFR 102.115, 23 CFR 102.116, 23 CFR 102.117, 23 CFR 102.118, 23 CFR 102.119, 23 CFR 102.120, 23 CFR 102.121, 23 CFR 102.122, 23 CFR 102.123, 23 CFR 102.124, 23 CFR 102.125, 23 CFR 102.126, 23 CFR 102.127, 23 CFR 102.128, 23 CFR 102.129, 23 CFR 102.130, 23 CFR 102.131, 23 CFR 102.132, 23 CFR 102.133, 23 CFR 102.134, 23 CFR 102.135, 23 CFR 102.136, 23 CFR 102.137, 23 CFR 102.138, 23 CFR 102.139, 23 CFR 102.140, 23 CFR 102.141, 23 CFR 102.142, 23 CFR 102.143, 23 CFR 102.144, 23 CFR 102.145, 23 CFR 102.146, 23 CFR 102.147, 23 CFR 102.148, 23 CFR 102.149, 23 CFR 102.150, 23 CFR 102.151, 23 CFR 102.152, 23 CFR 102.153, 23 CFR 102.154, 23 CFR 102.155, 23 CFR 102.156, 23 CFR 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