



Alaska Department of Transportation & Public Facilities

In the Know: Contract Form Updates

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Introduction

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Form Updates

25D-06 Bidder Registration

May 2022

25D-55H FHWA Required
Contract Provisions

July 2022

25D-55A FAA Required
Contract Provisions

January 2023*

25A-301 EEO Conditions

January 2023*

25D-06 Bidder Registration

Adds hyperlinks to CFR requirements and Size Standards Tool

Removed the net worth amount from the form and references where PNW value is found.

SMALL BUSINESS ENTERPRISE PROGRAM (SBE) SELF-REGISTRATION

Fostering Small Business Participation (SBE) (49 CFR 26.39):

To meet the requirements of 49 CFR 26.39, DOT&PF has implemented a Small Business Enterprise Program. This component is only applicable to federally funded projects.

[Complete the Section below only if you are a Self-Certified SBE Firm] All businesses wishing to be eligible as a SBE are required to submit a SBE Self-Registration form. The SBE Self-Registration form must be submitted on an annual basis beginning January 1 and is valid thru December 31.

In order to verify your firm's compliance with business size standards under 49 CFR 26.65(a)&(b) and 26.67(2)(i), *at the time of award* you will be required to submit the following documents:

- SBE Affidavit of Certification Eligibility
- Personal Net Worth Statement
- Past three years of your corporations and/or individual tax returns
- If not a certified DBE, please provide documentation that you are self-certified as a small business (please contact Procurement Technical Assistance Center (PTAC) at (907) 786-7258 if you require assistance on becoming a self-certified small business)

At time of award, send required documentation to:

DOT&PF Civil Rights Office Attn: Certification
PO Box 196900
Anchorage, Alaska 99519-690
Phone: (907) 269-0851
Fax: (907) 269-0847

A. SBE Directory Information

1. Can you verify at time of award that your firm's (including affiliates) last five year average annual gross receipts does not exceed the Small Business Administration (SBA) small business size standards found in [13 CFR part 121](#)? To find if your firm qualifies as small, use the SBA's [Size Standards Tool](#), or by referencing the SBA's [table of small business size standards](#).
**If you marked "No" you do not qualify for the SBE Program* Yes No
2. Can you verify at time of award that your firm's (including affiliates) last three year average annual gross receipts does not exceed the business size standards per [49 CFR 26.65\(b\)](#)?
**If you marked "No" you do not qualify for the SBE Program* Yes No
3. Can you verify at time of award that each individual owner of your firm does not exceed the personal net worth standards per [49 CFR 26.67\(2\)\(i\)](#)?
**If you marked "No" you do not qualify for the SBE Program* Yes No

4. Contact Info.

<input type="text"/>	<input type="text"/>
Name of Firm	Contact Name
<input type="text"/>	<input type="text"/>
Telephone Number	Fax Number
<input type="text"/>	<input type="text"/>
Email Address	Company Website



25D-55H Required Contract Provisions for FHWA

Form FHWA-1273

Section by section changes available from FHWA at <https://www.fhwa.dot.gov/construction/cqit/fhwa1273changes220803.pdf>



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
REQUIRED CONTRACT PROVISIONS
for
FEDERAL-AID (FHWA) CONSTRUCTION CONTRACTS

FHWA-1273 – Revised July 5, 2022

- I. General
- II. Nondiscrimination
- III. Non-segregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- XI. Certification Regarding Use of Contract Funds for Lobbying
- XII. Use of United States-Flag Vessels:

ATTACHMENTS

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

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under title 23, United States Code, as required in 23 CFR 633.102(b) (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

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's own organization and with the assistance of workers under the contractor's immediate supervision and to all work performed on the contract by piecework, station work, or by subcontract. 23 CFR 633.102(d).

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. 23 U.S.C. 114(b). The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors. 23 U.S.C. 101(a).

II. NONDISCRIMINATION (23 CFR 230.107(a); 23 CFR Part 230, Subpart A, Appendix A; EO 11246)

The provisions of this section related to 23 CFR Part 230, Subpart A, Appendix A are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply



25D-55H Required Contract Provisions for FHWA

Discrimination base on “sex” replaced with “sex, sexual orientation, and gender identity”.

Davis-Bacon expanded to certain programs.

Liquidated damages for unpaid OT increased.

Clean Air & Water Pollution Act changes.

New certifications for Federal tax delinquency & Federal felony.

Cargo Preference Act.



25D-55A Required Contract Provisions for FAA

FAA document contains source and interpretation guidance.

<https://www.faa.gov/sites/faa.gov/files/2023-01/combined-federal-contract-provisions-2023-1-20.pdf>



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

REQUIRED CONTRACT PROVISIONS for FEDERAL-AID (FAA) CONSTRUCTION CONTRACTS

A0	GENERAL	A15	DRUG FREE WORKPLACE REQUIREMENTS
A1	ACCESS TO RECORDS AND REPORTS	A16	EQUAL EMPLOYMENT OPPORTUNITY (EEO)
A2	AFFIRMATIVE ACTION REQUIREMENT	A17	FEDERAL FAIR LABOR STANDARDS ACT (FEDERAL MINIMUM WAGE)
A3	BREACH OF CONTRACT TERMS	A18	LOBBYING AND INFLUENCING FEDERAL EMPLOYEES
A4	BUY AMERICAN PREFERENCE	A19	PROHIBITION OF SEGREGATED FACILITIES
A5	CIVIL RIGHTS - GENERAL	A20	OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970
A6	CIVIL RIGHTS - TITLE VI ASSURANCE	A21	PROCUREMENT OF RECOVERED MATERIALS
A7	CLEAN AIR AND WATER POLLUTION CONTROL	A22	RIGHT TO INVENTIONS
A8	CONTRACT WORKHOURS AND SAFETY STANDARDS ACT REQUIREMENTS	A23	SEISMIC SAFETY
A9	COPELAND "ANTI-KICKBACK" ACT	A24	TAX DELINQUENCY AND FELONY CONVICTIONS
A10	DAVIS-BACON REQUIREMENTS	A25	TERMINATION OF CONTRACT
A11	DEBARMENT AND SUSPENSION	A26	TRADE RESTRICTION CERTIFICATION
A12	DISADVANTAGED BUSINESS ENTERPRISE	A27	VETERAN'S PREFERENCE
A13	DISTRACTED DRIVING	A28	DOMESTIC PREFERENCES FOR PROCUREMENTS
A14	PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT		





25D-55A Required Contract Provisions for FAA

Numerous changes to reflect statutory changes.

Buy American

References to Specifications

EEO Clause A16.3.1 changes



25A-301 EEO Bid Conditions

Adds back required paragraphs removed in 2015.

US DOL program, not Alaska DOL

Goals (not quotas) are unchanged since 1980:

Women 6.9%

Minorities in Anchorage 8.7%

Minorities Rest of State 15.1%



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC
FACILITIES

FEDERAL EEO BID CONDITIONS

STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY
CONSTRUCTION CONTRACT SPECIFICATIONS FOR ALL NON-EXEMPT FEDERAL AND
FEDERALLY-ASSISTED CONSTRUCTION CONTRACTS TO BE AWARDED IN THE STATE OF
ALASKA

Authority and Guidelines.

The Alaska Department of Transportation & Public Facilities (Department), as a State Transportation Agency (STA), has authority under 23 U.S.C. 140 and its implementing regulations to conduct a compliance program addressing Equal Employment Opportunity (EEO) and Affirmative Action (AA) in employment on non-exempt federal and federally-assisted construction contracts that are awarded in the State of Alaska. The STA's authority to administer a contract compliance with Nondiscrimination, EEO and AA programs are authorized under 23 U.S.C., 49 U.S.C., Title VI of the Civil Rights Act of 1964, MAP-21 and implementing regulations. The provisions of 23 CFR 200 and 49 CFR 21 provide authority to determine, and where necessary obtain compliance with the nondiscrimination provisions of Title VI. Under the provisions of Title VI 23 USC and related regulations, including 49 CFR 21 and 26, and 23 CFR Part 200, 230 and 633, it is the STA's responsibility to ensure compliance with and to enforce on all projects of Federal-aid contractors and subcontractors, whether a particular contract or work-site involves Federal-aid funds or not.

These citations confirm the requirement for contractors to provide, and States to obtain information that ensure non-discrimination in employment on all of Federal and federally-assisted projects, and through these provisions, provide for EEO for minorities and women in all terms and conditions of their employment at all of their facilities and on all projects.

1. Definitions. As used in these specifications:

- a. "Covered area" means the geographical area described in the solicitation from which this contract resulted;
- b. "Director" means Director, Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, or any person to whom the Director delegates authority;



CUF Forms

Used by DOT&PF staff during compliance interviews.



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

DBE CUF Monitoring Report 25A-298

Commercially Useful Function (CUF): Per 49 CFR 26.55, "A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved... A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation..."

Per Alaska Construction Manual 7.2.4, this form is to be completed by project field staff to perform CUF reviews on DBE prime contractors, DBE subcontractors, and DBE joint ventures. Perform a minimum of one review for each DBE on a federally-assisted project each construction season. The review should be conducted when the DBE first begins work, and when the DBE first begins work on subsequent construction seasons. Project staff monitor performance through the course of the project. Send a copy of this form to the Regional Contract Compliance Liaison (RCCL) for acceptance. The RCCL will coordinate potentially adverse findings with the CRO as appropriate.

Attach additional documentation supporting DBE's CUF. Additional documentation may include, but is not limited to, photos of DBE performing work; photos of DBE's equipment or trucks with DBE firm name and certification number; lease agreement, copies of invoice, and copies of subcontracts.

Reviewer Name:		Contact:	
Project Name:			
IRIS Project Number:		Federal Project ID No.:	
DOT&PF Division:			
DBE Firm Name:			



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

DBE CUF Verification Report 25A-299

Commercially Useful Function (CUF): Per 49 CFR 26.55, "A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved... A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation..."

Per Alaska Construction Manual 7.2.4, this form is to be completed by project field staff to perform CUF reviews on DBE prime contractors, DBE subcontractors, and DBE joint ventures. The verification review should be conducted when the DBE is substantially finished with their portion of the project work, and the 25A-299 DBE CUF Verification Report completed at the time of review. The CUF verification should consider the prior monitoring (inspections) performed by Construction Administration staff throughout the course of the project. Send a copy of this form to the Regional Contract Compliance Liaison (RCCL) for acceptance. The RCCL will coordinate potentially adverse findings with the CRO as appropriate.

Attach additional documentation supporting DBE's CUF. Additional documentation may include, but is not limited to: photos of DBE performing work; photos of DBE's equipment or trucks with DBE firm name and certification number; lease agreement, copies of invoice, and copies of subcontracts.

Reviewer Name:		Contact:	
Project Name:			
IRIS Project Number:		Federal Project ID No.:	
DOT&PF Division:			
DBE Firm Name:			
Contractor <input type="checkbox"/>	Trucking Firm <input type="checkbox"/>	Material Supplier / Regular Dealer <input type="checkbox"/>	Professional Service <input type="checkbox"/> Manufacturer <input type="checkbox"/>
Performing as:	Prime <input type="checkbox"/>	Subcontractor <input type="checkbox"/>	Joint Venture <input type="checkbox"/> N/A <input type="checkbox"/>
DBE Start Date:		CUF Review Date:	
DBE Representative Interviewed:			





Resources

Forms Website

<https://dot.alaska.gov/cvlrts/forms.shtml>

ADA

-  [ADA Complaint Form](#)
-  [ADA Reasonable Accommodation Request Form](#)
-  [ADOT&PF ADA Work Plan](#)

Contract Compliance

-  [Chief Engineer's Directive re: CUF Forms](#)
-  [DBE CUF Monitoring Report; 25A-298](#)
-  [DBE CUF Verification; 25A-299](#)
-  [Commercially Useful Function \(CUF\) Brochure](#)
-  [25A-301 Federal EEO Bid Conditions](#)
-  [25A-303 DOT&PF Monthly Employment Utilization Report](#)
-  [25A-304; EEO-1 Certification](#)
-  [25A-321A Contact Report;](#)
-  [DBE Subcontractable Items](#)
-  [25A-325C DBE Utilization Report, Federal Aid](#)
-  [25A-326 Prime Contractor's Written DBE Commitment](#)
-  [25A-332A Summary of Good Faith Effort](#)
-  [25A-336 Instructions Summary of DBE Participation](#)
-  [25A-336 Summary of DBE Participation](#)
-  [25D-5 Subcontractor List](#)

DBE Certification

-  [Alaska Unified Certification Program Agreement](#)
-  [Appendix A and B \[Required for On-site Representative\(s\)\]](#)
-  [Brochure: Your Guide to DBE Certification](#)
-  [DBE Application Form](#)
-  [Interstate Certification Affidavit](#)
-  [Personal Net Worth Form](#)
-  [Personal Net Worth Affidavit](#)
-  [Work Category List](#)
-  [Annual No Change Declaration](#)

DBE Compliance - Goals & Good Faith Effort (GFE)

-  [Specification 120](#)
-  [GFE Submittal Checklist](#)
-  [Contact Report \(25A-321A\)](#)
-  [DBE Subcontractable Items \(25A-324\)](#)
-  [DBE Utilization Report \(25A-325C\)](#)
-  [Prime Contractor's Written DBE Commitment Form \(25A-326\)](#)
-  [Subcontractor List \(25D-5\)](#)
-  [Summary of DBE Participation \(25A-336\)](#)
-  [Summary of DBE Participation \(25A-336\) Instructions](#)
-  [Summary of GFE Documentation \(25A-332A\)](#)
-  [CUF Monitoring Report \(25A-298\)](#)

DBE Support Services



Resources

Forms Website

<https://dot.alaska.gov/stwddes/dcsconst/>

Forms

- [Construction Forms](#)
- [Contract Forms for Construction Bids](#)
- [Special Notice to Bidders](#)

Alaska Construction Forms

Updated January 11, 2023

These forms are available in PDF, Word, or Excel format. Click on the file type to download. Many of these forms can be filled out on your computer. To move from one field to the next, press **TAB** (or press **SHIFT + TAB** to move to a previous field). To place a checkmark in a box, press the spacebar or click in the box.

Questions About Construction Forms?

✉ [Jonathan Weaver, P.E.](#)
Standard Specifications Engineer
☎ Phone: (907) 465-8962

Construction Forms

Form No.	Form Name	Revised	PDF	Word	Excel
25D-17	Alaska Veteran Preference Certification	07/18	PDF	Word	Excel
25D-19	Alaska Bidder Preference Certification	07/18	PDF	Word	Excel
25D-20	Alaska Product Preference Worksheet	12/19	PDF	Word	Excel
25D-118	Assignee's Release	7/04	PDF	Word	Excel
25D-06	Bidder Registration	6/22	-	PDF	Excel
	Bridge Formula Chart for Gross Vehicle Weights	4/10	-	PDF	Excel
25D-080	Temporary Bridge Submittal Checklist	6/09	-	PDF	Excel
	Building Facilities Form	7/14	PDF	Word	Excel
25D-60	Buy America Material Origin Certificate (FHWA)	11/22	-	PDF	Excel
25D-62	Buy America Compliance	11/22	-	PDF	Excel
25D-154	Material Submittal for Buy American Compliance	3/18	-	PDF	Excel

Alaska Contract Forms for Construction Bids

Effective January 24, 2023

Questions About Construction Contract Forms?

✉ [Jonathan Weaver, P.E.](#)
Standard Specifications Engineer
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Form #	Form Name	Revised	File
25A-301	Federal EEO Bid Conditions	1/23	PDF
25A-304	EEO-1 Certification	11/19	PDF
25A-310	Training Program Request	5/13	PDF
25A-311	Training Utilization Report	1/16	PDF
25A-314	OJT Report Form (AO 278)	5/17	PDF
25A-321A	Contact Report	10/16	PDF
25A-324	DBE Subcontractable Items	12/14	PDF
25A-325C	DBE Utilization Report, Federal Aid	3/12	PDF
25A-326	Prime Contractor's Written DBE Commitment	8/01	PDF
25A-332A	Summary of Good Faith Effort	8/01	PDF
25D-4	Required Documents (State)	07/18	PDF
25D-4A	Required Documents (FAA)	1/23	PDF



Resources

Chief Engineer's Directives

<https://dot.alaska.gov/stwddes/dcspubs/directives.shtml>

Chief Engineer's Directives

Directives that are superseded or codified in subsequent revisions of Standards documents are removed from this page. If you are looking for a directive that is not listed, contact [Mike Chambers](#).

All files are in PDF  format unless otherwise noted. [Click here to download Adobe Acrobat Reader](#).

Year 2023

Date	Subject	Attachments
January 26, 2023	Highway Design Standards	
January 24, 2023	SSAC Section 60 Buy American Preference	<ul style="list-style-type: none">• GCP Sec. 60• Form 25D-151• Form 25D-154• Notice to Bidders
January 24, 2023	Forms 25A-301, 25D-04A & 25D-55A	<ul style="list-style-type: none">• Form 25A-301• Form 25D-04A• Form 25D-55A
January 18, 2023	Rescinding HSP20-4 & ASP-5 Fuel Tank	

Year 2022

Date	Subject	Attachments
November 8, 2022	HSP20-7 Buy America Provision	<ul style="list-style-type: none">• HSP20-7• Form 25D-60• Form 25D-60





Wrap Up

Questions

Feedback

Thank you for participating!

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(907) 465-8962

