Subpart 1201.1—Purpose, Authority, Issuance

Parent topic: PART 1201—FEDERAL ACQUISITION REGULATIONS SYSTEM

1201.101 Purpose.

The Department of Transportation (DOT), Transportation Acquisition Regulation (TAR), establishes uniform acquisition policies and procedures that implement and supplement the Federal Acquisition Regulation (FAR). The TAR provides regulatory or policy instruction when coverage is needed for DOT-specific subject matter not covered in the FAR. The TAR also includes policy statements that DOT considers important to both internal and external TAR audiences. The Transportation Acquisition Manual (TAM) contains internal operating procedures, providing supplementary guidance and instructions for carrying out FAR and TAR requirements.

1201.102-70 DOT statement of guiding principles for the Department of Transportation Acquisition System.

(a) *Vision.* The TAR applies to all Department acquisitions unless otherwise excluded by statute. DOT strives to make its acquisition process effective, efficient, and transparent, and to ensure that the process embodies fairness and Governmentwide best practices.

(b) *Mission.* The TAR is a key component of DOT's acquisition process and is designed to provide clear and current regulatory and policy oversight to supplement or support implementation of the FAR.

(c) *Role of the Office of the Senior Procurement Executive.* The Office of the Senior Procurement Executive (OSPE) applies leadership and best-in-industry acquisition practices to establish acquisition policies and procedures. The OSPE supports the DOT's mission by providing timely, effective, and ethical business policies, practices, products, innovative programs, strategies, and services.

1201.104 Applicability.

(a) Applicable statutes, the FAR, 48 CFR chapter 1, and the TAR, in this chapter, apply to all acquisitions within the Department unless otherwise specifically excluded by statute, the FAR, or the TAR.

(b) The following order of precedence applies to resolve any question of applicability concerning an acquisition regulation or a procedure found within the TAR, or the TAM which comprises the Department's internal operating procedures and guidance—

(1) U.S. Statutes;

(2) The FAR;

(3) The TAR;

(4) DOT Orders; and

(5) The TAM.

(c) The Maritime Administration may depart from the requirements of the FAR and TAR as authorized by 40 U.S.C. 113(e)(15), but shall adhere to those regulations to the maximum extent practicable. Deviations from the FAR or TAR requirements shall be documented according to Maritime Administration procedures or in each contract file, as appropriate.

(d) The FAR, TAR, and TAM do not apply to the Federal Aviation Administration as provided by 49 U.S.C. 40110(d).

(e) For purposes of the FAR, TAR, and TAM, the Office of the Assistant Secretary for Research and Technology shall have the same authority as an Operating Administration as defined in 1202.1, and the Assistant Secretary for Research and Technology shall have the same authority as a Head of the Operating Administration as defined in 1202.1.

1201.105 Issuance.

1201.105-1 Publication and code arrangement.

(a) The TAR is published or available in—

(1) The Federal Register;

(2) Cumulative form in the CFR; and

(3) Online via the internet at *https://www.acquisition.gov/tar*.

(b) The TAR is issued as this chapter.

1201.105-2 Arrangement of regulations.

(a) *General.* The TAR, which encompasses both Department and Operating Administration (OA)/Office of the Assistant Secretary for Research and Technology (OST–R)-specific guidance (*see* subpart 1201.3), conforms with the arrangement and numbering system prescribed by FAR 1.104. Guidance that is OA-specific contains the OA's acronym directly after the heading.

(b) *Numbering—*

(1) *Department-wide guidance.* (i) The numbering illustrations at FAR 1.105–2(b) apply to the TAR.

(ii) Coverage within the TAR is identified by the prefix “12” followed by the complete TAR citation. For example, 1201.201–1(b).

(iii) Coverage in the TAR that supplements the FAR will use part, subpart, section, and subsection numbers ending in “70” through “89” (*e.g.,* 1201.301–70). A series of numbers beginning with “70” is used for provisions and clauses.

(iv) Coverage in the TAR, other than that identified with a “70” or higher number, that implements the FAR uses the identical number sequence and caption of the FAR segment being implemented, which may be to the paragraph level. Paragraph numbers and letters are not always shown sequentially, but may be shown by the specific FAR paragraph implemented. For example, TAR 1201.201–1 contains only paragraph (b) because only this paragraph, correlated with the FAR, is implemented in the TAR.

(2) *Operating Administration-unique guidance.* Supplementary material for which there is no counterpart in the FAR or TAR shall be identified using chapter, part, subpart, section, or subsection numbers of “90” and higher.

(c) *References and citations.* The Department of Transportation Acquisition Regulation may be referred to as the TAR. Cross reference to the FAR in the TAR will be cited by “FAR” followed by the FAR numbered citation, and cross reference to the TAM in the TAR will be cited by “TAM” followed by the TAM numbered citations. References to specific citations within the TAR will be referenced by the numbered citation only, *e.g.,* 1201.105–3.

(3) Using the TAR coverage at 1201.105–2(b) as a typical illustration, reference to the—

(i) Part would be “TAR part 1201” outside the TAR and “part 1201” within the TAR.

(ii) Subpart would be “TAR subpart 1201.1” outside the TAR and “subpart 1201.1” within the TAR.

(iii) Section would be “TAR 1201.105” outside the TAR and “1201.105” within the TAR.

(iv) Subsection would be “TAR 1201.105–2” outside the TAR and “1201.105–2” within the TAR.

(v) Paragraph would be “TAR 1201.105–2(b)” outside the TAR and “1201.105–2(b)” within the TAR.

1201.105-3 Copies.

(a) Copies of the TAR as published in Federal Register and as set forth in the CFR may be purchased from the Government Publishing Office (GPO), U.S. Government Online Bookstore on the internet at *https://bookstore.gpo.gov/.*

(b) The TAR and Transportation Acquisition Circulars (TACs) are available on the internet at *https://www.acquisition.gov.*

1201.106 OMB approval under the Paperwork Reduction Act.

The information collection and recordkeeping requirements contained in the TAR have been approved by the Office of Management and Budget (OMB). Details concerning any TAR- related OMB approved control numbers are specified in the TAM.