



**U.S. Department
of Transportation**

1200 New Jersey Ave., S.E.
Washington, DC 20590

Office of the Secretary
of Transportation

SUBJECT: Class Deviation No. 2026-22, Supplement to Certain Federal Acquisition Regulation (FAR) Deviations (Part 5, 8, 9, 12, 13, and 23), in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

FROM: Chrishaun Jones
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Date: 2026.01.12 19:51 -05'00'

TO: Department of Transportation Chiefs of the Contracting Offices

- I. Purpose:** This class deviation (CD) supplement is issued under Federal Acquisition Regulation (FAR) part 1 and Transportation Acquisition Regulation (TAR) part 1201 and authorizes a class deviation to FAR part 25 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR part 25.
- II. Effective Date:** Immediately.
- III. Background:** On April 15, 2025, [Executive Order \(E.O.\) 14275 on Restoring Common Sense to Federal Procurement](#) was signed. Section 2 of the E.O. establishes the policy that the FAR "should only contain provisions required by statute or essential to sound procurement, and any FAR provisions that do not advance these objectives should be removed."

The FAR is being updated to:

- Remove language that is not required by statute
- Remove duplicative or outdated language
- Clarify or provide more plain language
- Revise language for the new FAR framework
- Retain language necessary for governmentwide acquisition standards.

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative.

Subsequent review has identified the need to update and amend DOT's implementing deviations for RFO FAR Parts 5, 8, 9, 13, and 23.

Summary of Supplement Updates are as follows-

RFO FAR parts 5, 12, 13, and 23	
Background	RFO FAR parts 5, 12, 13, and 23 included corresponding definition updates to part 2, but the implementing DOT deviations did not provide instructions to the workforce on how to use the revised part 2 definitions in concert with existing definitions in part 2.
Supplement Update	<p>In DOT’s class deviations implementing RFO FAR parts 5, 12, 13, and 23, section 4, “Required Action,” is updated to add the following sentence after, “A line-out version of the changes may also be found here for reference.”</p> <p>“The DOT acquisition workforce must use the definitions (Part 2 – Definitions of Words and Terms) found on Acquisition.gov/far-overhaul.”</p> <p>The remainder of the deviation is unchanged.</p>

RFO FAR part 8	
Background	<p>The FAR Council initially released the RFO FAR part 8 model deviation text on August 14, which required use of Office of Federal Property Policy best-in-class (BIC) contracts. On August 29, OFPP updated the model deviation text to reference “required use” contracts at 8.104 instead of BIC contracts. It is understood that OFPP will be establishing a new class of “required use” contracts (and associated criteria) that will be separate from BIC contracts. “Required use” contracts will be mandatory. BICs may be prioritized, but are not mandatory.</p> <p>DOT’s class deviation implementing RFO FAR Part 8 is amended as follows, to reflect the updated RFO FAR part 8 model deviation text:</p>
Supplement Update 1	<p>Section 3, “Background” is updated as follows:</p> <p>FAR part 8, Required Sources of Supplies and Services, is significantly updated. The model deviation language:</p> <ul style="list-style-type: none"> • Enhances usability by restructuring and organizing the part in the logical flow of the acquisition lifecycle. • Simplifies mandatory guidance. • Make the use of Governmentwide Best in Class (BIC) contracts mandatory [Makes the use of OFPP – designated “Required Use” contracts mandatory.] • Retains focus on the importance of the AbilityOne Program

Supplement Update 2	<p>The fourth bullet in the “Retained” section of the table in Section 3, “Background,” is updated as follows:</p> <ul style="list-style-type: none"> • Use of Existing Contracts. 8.104 replaces section 8.004, “Use of Other Sources.” Best in class (BIC)[OFPP – designated “Required Use”] contracts or BPAs are now required[mandatory] to be used when a commercial product or commercial service meets an agency’s need, unless approved by the Head of the Contracting Activity (HCA). If a BIC[“required use” contract] is not suitable, agencies should consider use of an existing governmentwide contract, BPA, or shared service.
Miscellaneous	<ul style="list-style-type: none"> • OFPP is expected to provide more information about “required use” contracts in the future.

RFO FAR part 9	
Background	<p>The DOT implementing deviation stated that all existing provisions and clauses are retained (or remain reserved if previously reserved) with no changes to the text. The implementing class deviation is amended as follows to highlight that some provisions and clauses were updated.</p>
Supplement Update 1	<p>The third bullet in the “Retained” section of the table in Section 3, “Background,” is updated as follows:</p> <p>From: All existing provisions and clauses are retained (or remain reserved if previously reserved) with no changes to the text.</p> <p>To: The following provision and clause are retained (or remain reserved if previously reserved) with no changes to the text:</p> <ul style="list-style-type: none"> • 52.209-8 remains reserved • 52.209-12 (Provision), Certification Regarding Tax Matters • 52.209-14 (Clause), Reserve Officer Training Corps and Military Recruiting on Campus
Supplement Update 2	<p>A new section titled “Updated” is added to the table in Section 3, “Background.” The following bullet is added.</p>

	<ul style="list-style-type: none"> • The following provisions and clauses have been updated to reflect plain language, update cross-references, or to correspond with updates made within the part: <ul style="list-style-type: none"> ○ 52.209-1 (Clause), Qualification Requirements ○ 52.209-2 (Provision), Prohibition on Contracting with Inverted Domestic Corporations-Representation ○ 52.209-3 (Clause), First Article Approval-Contractor Testing <ul style="list-style-type: none"> ▪ Note - The Alternates are not updated ○ 52.209-4 (Clause), First Article Approval-Government Testing <ul style="list-style-type: none"> ▪ Note - The Alternates are not updated ○ 52.209-5 (Provision), Certification Regarding Responsibility Matters ○ 52.209-6 (Clause), Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, Proposed for Debarment, or Voluntarily Excluded ○ 52.209-7 (Provision) Information Regarding Responsibility Matters ○ 52.209-9 (Clause), Updates of Publicly Available Information Regarding Responsibility Matters ○ 52.209-10 (Clause), Prohibition on Contracting with Inverted Domestic Corporations ○ 52.209-11 (Provision), Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law ○ 52.209-13 (Provision) Violation of Arms Control Treaties or Agreements-Certification
Supplement Update 3	<p>Section 4, “Required Actions,” is updated to add the following bullets after the first paragraph:</p> <ul style="list-style-type: none"> • For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at RFO FAR Part 52. • For open solicitations or awarded contracts, the contracting officer has discretion regarding the need to enforce or amend the provisions or clauses. Note that without some of the removed provisions or clause, the contracting officer may be required to separately address certain aspects in the contract. <p>The rest of Section 4, “Required Actions,” is unchanged.</p>

Miscellaneous	<ul style="list-style-type: none"> • For ease of reference, GSA’s Office of Acquisition Policy has created a helpful tool to easily find and sort provision and clauses changes: RFO Part 52 P&C Table.
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- IV. Applicability:** This supplement to applicable class deviations applies to all DOT OAs, OST, and OIG, excluding the FAA in accordance with TAR 1201.104(d).
- V. Expiration Date:** This CD will remain in effect until it is incorporated into the FAR or is otherwise rescinded, whichever occurs first.
- VI. Point of Contact:** Questions or comments regarding this deviation may be directed to DOTAcquisitionPolicy@dot.gov.



**U.S. Department
of Transportation**

1200 New Jersey Ave., S.E.
Washington, DC 20590

Office of the Secretary
of Transportation

SUBJECT: Class Deviation No. 2026-08 from the Federal Acquisition Regulation for FAR Part 13 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

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TO: Department of Transportation Chiefs of the Contracting Offices

- I. Purpose:** This class deviation (CD) is issued under Federal Acquisition Regulation (FAR) part 1 and Transportation Acquisition Regulation (TAR) part 1201 and authorizes a class deviation to FAR part 13 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR part 13.
- II. Effective Date:** Immediately.
- III. Background:** On April 15, 2025, [Executive Order \(E.O.\) 14275 on Restoring Common Sense to Federal Procurement](#) was signed. Section 2 of the E.O. establishes the policy that the FAR "should only contain provisions required by statute or essential to sound procurement, and any FAR provisions that do not advance these objectives should be removed."

The FAR is being updated to:

- Remove language that is not required by statute
- Remove duplicative or outdated language
- Clarify or provide more plain language
- Revise language for the new FAR framework
- Retain language necessary for governmentwide acquisition standards.

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative.

FAR part 13 is renamed from "Simplified Acquisition Procedures" to "Simplified Procedures for Non-commercial Acquisitions." The part has been significantly changed:

- **From a focus on:** Simplified procedures for the acquisition of commercial products and commercial services
- **To a focus on:** Simplified procedures for the acquisition of noncommercial products and services valued at or below the simplified acquisition threshold (SAT).

The procedures in this part may be used only if:

- There are no commercial products or commercial services that can satisfy the agency's needs (see RFO part 12)
- The supplies or services are not available from a required source (see RFO part 8)

It's important to note that some statutory text and other text essential to support sound procurement has been or will be moved to other RFO FAR parts, to include:

- Definition of governmentwide commercial purchase card (RFO part 2)
- Simplified procedures for procuring commercial items (RFO part 12)
- Price or cost evaluation factor for multiple-award contracts (RFO part 16)
- Advance payments for subscriptions and fast payment procedures (RFO part 32).

Statutory requirements retained in the RFO FAR part 13 model deviation include, but may not be limited, to the following:

- 41 U.S.C. §§ 1901-1905, Simplified Acquisition Procedures
- 41 U.S.C. § 3305 and 10 U.S.C. § 3205, Simplified Procedures for Small Purchases
- 41 U.S.C. § 3306 and 10 U.S.C. § 3206, Planning and Solicitation Requirements

The following table is not an exhaustive list but includes notable updates to FAR part 13.

Change	Description
Retained	<ul style="list-style-type: none">• 13.001, "Applicability," retains the prohibition on splitting requirements to stay below the SAT.• 13.101, "Competition," retains the requirement that agencies must promote competition to the maximum extent practicable when procuring noncommercial products and services valued at or below the SAT.• 13.102, "Small Business," retains the requirement that acquisitions of supplies or services with an anticipated dollar value above the MPT, but at or below the SAT, must be set aside for small business concerns.• 13.301, "Notifications," consolidates instructions for notifying unsuccessful quoters. It retains award notice posting requirements of FAR subpart 5.3 and brief explanations.• 13.302, "Cancellations and Terminations," provides a clear distinction between canceling an unaccepted purchase order and terminating an accepted purchase order and directs the contracting officer to FAR part 49 or clause 52.213-4 for terminations.

Moved/Updated	<ul style="list-style-type: none"> • The revised part structure now reflects the acquisition lifecycle: <ul style="list-style-type: none"> ○ Subpart 13.1 – Presolicitation ○ Subpart 13.2 - Solicitation, Evaluation, and Award ○ Subpart 13.3 – Postaward ○ Subpart 13.4 - Micro-purchases • The lengthy list of inapplicable laws in former 13.005 is moved to a dynamic link, now at 13.001. This is a significant modernization, ensuring the regulation points to a continuously updated official source rather than a static list that could become outdated. • The definition of “governmentwide commercial purchase card” is moved from the former 13.001, “Definitions,” to section 2.101. • Content regarding price or cost evaluation factors for multiple-award contracts is moved from the former 13.106-1 to RFO part 16. • 13.201, “Procedures,” and 13.202, “Evaluation,” cross reference part 12. This cross-referencing achieves several goals. It promotes consistency in government procurement practices, reducing the need for contracting officers to master two distinct sets of procedures for simple buys and leverages the best practices in commercial acquisitions. • 13.204, “Contract Clauses,” authorizes the use of the revised clause 52.213-4 for a streamlined set of terms and conditions for inspection/acceptance, excusable delays, terminations, and warranties. <ul style="list-style-type: none"> ○ The primary clause for noncommercial simplified acquisitions, 52.213-4, has been retitled and revised. The title is changed from “Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services)” to “Terms and Conditions—Simplified Acquisitions (Noncommercial)” to align with the new focus of part 13. ○ 13.204(c) explicitly prohibits the use of part 12 clauses (52.212-1, 52.212-2, and 52.212-4) in noncommercial acquisitions. • 13.303, “Contractor Financing and Payments,” now directs readers to part 32 for payment procedures, including fast payment procedures. • 13.401, “General,” for micropurchases, now points to part 12 when making purchases below the micropurchase threshold (MPT) ensuring that the simplest and most common type of acquisition is governed by a single, consistent set of rules, regardless of whether the item is commercial or noncommercial.
Removed	<ul style="list-style-type: none"> • A significant amount of content has been streamlined, and removed from part 13 and shifted to other parts of the FAR as highlighted in the summary of changes above the table.

	<ul style="list-style-type: none"> • The following clauses were deleted: <ul style="list-style-type: none"> ○ 52.213-1, Fast Payment Procedure. Fast payments procedures will be covered in part 32. ○ 52.213-2, Invoices. General payment procedures will be covered in part 32. ○ 52.213-3, Notice to Supplier. The streamlined procedures and the general principles of offer and acceptance are deemed adequate without this specific clause
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- IV. Required Actions:** All DOT Operating Administrations (OAs), the Office of the Secretary of Transportation (OST), and the Office of the Inspector General (OIG), excluding the Federal Aviation Administration (FAA) per TAR 1201.104(d) shall follow the [RFO part 13 model deviation text](#) and corresponding [RFO part 52 model deviation text](#) instead of FAR parts 13 and 52 as codified at 48 CFR chapter 1. The Council’s RFO part 13 model deviation text is available at [Acquisition.gov/far-overhaul](#) and is incorporated by reference into this CD. A line-out version of the changes may also be found [here](#) for reference.

Heads of the Contracting Activities (HCAs) must ensure this deviation is disseminated to the acquisition workforce and ensure compliance with the requirements in the revised FAR part 13 guidance.

- V. Applicability:** This CD applies to all DOT OAs, OST, and OIG, excluding the FAA in accordance with TAR 1201.104(d).
- VI. Expiration Date:** This CD will remain in effect until it is incorporated into the FAR or is otherwise rescinded, whichever occurs first.
- VII. Point of Contact:** Questions or comments regarding this deviation may be directed to DOTAcquisitionPolicy@dot.gov.