



**U.S. Department  
of Transportation**

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

Office of the Secretary  
of Transportation

**SUBJECT:** Class Deviation No. 2026-24, Supplement to the FAR Class Deviations for FAR Parts 9, 12, and 22 in Support of Executive Order 14398, Addressing DEI Discrimination by Federal Contractors

**FROM:** Chrishaun Jones  
Senior Procurement Executive  
Office of the Senior Procurement Executive

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**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 parts 9, 12, 22 and 52 for purposes of implementing the FAR Council’s (the Council’s) updates to the model deviation text to the aforementioned FAR parts.
- II. Effective Date:** Immediately.
- III. Background:** On March 26, 2026, [Executive \(E.O.\) 14398 on Addressing DEI Discrimination by Federal Contractors](#) was signed. Section 3 of the E.O. establishes the policy that agencies should not do business with contractors that engage in any racially discriminatory diversity, equity, and inclusion (DEI) activities (91 FR 16147, March 31, 2026).

On April 20, the FAR Council issued model FAR deviation text to implement the changes required by E.O. 14398 and directed agencies to update their Revolutionary FAR Overhaul (RFO) Class Deviations for Parts 9, 12, 22, and 52 in accordance with the model text. Contracting Officers are directed to use the new clause at 52.222-90 in all new solicitations and contracts performed in the United States, to amend open solicitations to incorporate the clause, and to make every effort to bilaterally modify existing contracts over the micro-purchase threshold to incorporate new clause FAR 52.222-90. Further details are below.

**IV. Summary of Changes:**

Updates to DOT’s FAR Deviations implementing the RFO (“Supplements”) are as follows-

|                          | RFO FAR part 9                                   |
|--------------------------|--|
| <b>Supplement Update</b> | Section III. “Background” is updated as follows: |

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|--------------------------|--|
|                          | <p>Update to <b>Subpart 9.4, Debarment, Suspension, and Ineligibility</b>, for a contractor's failure to comply with the requirements of clause 52.222-90, Addressing DEI Discrimination by Federal Contractors:</p> <ul style="list-style-type: none"> <li>• Debarment (9.406-2 (b)(1)(viii))</li> <li>• Suspension (9.407-2(a)(11))</li> </ul> <p>Note: A bold and bracketed version of the RFO model deviation text can be found in Attachment A. All other content remains the same from the existing RFO FAR part 9 CD of January 12, 2026: 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.</p>  |
| <b>RFO FAR part 12</b>   |  |
| <b>Supplement Update</b> | <p>Section III. "Background" is updated as follows:</p> <p>FAR part 12 includes an update to 12.205, Solicitation provisions and contract clauses (12.205(b)(2), Table 12-3 – Clauses to include as prescribed:</p> <p><b>52.222-90, Addressing DEI Discrimination by Federal Contractors.</b></p> <p>Note: A bold and bracketed version of the RFO model deviation text can be found in Attachment A. All other content remains the same from the existing RFO FAR part 12 CD of January 12, 2026: 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.</p>   |
| <b>RFO FAR part 22</b>   |  |
| <b>Supplement Update</b> | <p>Section III. "Background" is updated as follows:</p> <p>Update to FAR part 22 includes:</p> <ul style="list-style-type: none"> <li>• Added <b>Subpart 22.22, Addressing DEI Discrimination by Federal Contractors</b> to implement E.O. 14398. <ul style="list-style-type: none"> <li>○ Section <b>22.2101, Definitions</b>, added to include definitions for "<b>program participation</b>" and "<b>racially discriminatory DEI activities</b>".</li> <li>○ As prescribed in section <b>22.2203</b>, new clause <b>52.222-90, Addressing DEI Discrimination by Federal Contractors</b>, was added for contracts and subcontracts valued over the micro-purchase threshold, including those for commercial products and commercial services, and for which the place of delivery or performance is in the United States.</li> </ul> </li> </ul> <p>Note: A bold and bracketed version of the RFO model deviation text can be found in Attachment A. All other content remains the same from the existing RFO FAR part 22 CD of October 27, 2025: Class Deviation No. 2026-17 from the Federal Acquisition</p> |

|                          |   |
|--------------------------|---|
|                          | Regulation for FAR Part 22 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement.  |
|                          | <b>RFO FAR part 52</b>  |
| <b>Supplement Update</b> | <p>Update to FAR part 52 includes:</p> <ul style="list-style-type: none"> <li>• As prescribed in section 22.2203, new clause <b>52.222-90, Addressing DEI Discrimination by Federal Contractors</b>, was added.</li> <li>• <b>52.222-90, Addressing DEI Discrimination by Federal Contractors (APR 2026)</b> was added to the clause table for 52.244-6(b)(2), <i>Requirements</i>, <b>52.244-6, Subcontracts for Commercial Products and Commercial Services</b>.</li> </ul> <p>Note: A bold and bracketed version of the RFO model deviation text can be found in Attachment A.</p> |

- V. **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 RFO TAR 1201.104(d) shall follow the RFO model deviation text instead of the FAR parts codified at 48 CFR chapter 1. The Council’s RFO FAR parts model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul) and is incorporated by reference into this CD. A line-out version of the changes may also be found in each RFO FAR parts Practitioner’s Album for reference.

Chief of the Contracting Offices (COCOs) must ensure this deviation is disseminated to the acquisition workforce and ensure compliance with the requirements in the revised FAR parts guidance.

**For new solicitations and resulting contracts:**

- Insert the clause at FAR 52.222-90 in new solicitations and resulting contracts valued over the micro-purchase threshold, including those for commercial products and commercial services, except those that result in contracts for which the place of delivery or performance is outside the United States. In accordance with FAR 1.107(d), amend any open solicitations to incorporate the clause.
- The clause flows down to subcontracts at any tier, including those for commercial products and commercial services, for which the place of delivery or performance is in the United States.
- It is not necessary to include the clause in new orders under existing GSA governmentwide contracts (FSS, GWACs, other GSA managed multi-agency contracts). The instructions regarding these contracts and orders thereunder are described below.

**For existing contracts:**

- Insert the clause at FAR 52.222-90 in all existing contracts (i.e., definitive contracts and indefinite-delivery contracts) valued over the micro-purchase threshold, including those

for commercial products and commercial services, and for which the place of delivery or performance is in the United States. **In accordance with FAR 1.107(d) (May 2, 2025 deviation), contracting officers must make every effort to bilaterally modify existing contracts by July 24, 2026.** If a contractor refuses to agree to a bilateral modification, the contracting officer should consider whether, absent the modification, the contract no longer meets the agency's needs and should therefore be terminated for convenience.

- Existing orders under GSA government-wide contracts (FSS, GWACs, other GSA managed multi-agency contracts) do not need to be modified.
- Modification of contracts with a final expiration no later than December 31, 2026, is at the contracting officer's discretion.

**FAR 52.222-90 Information Collection.** The FAR Council is seeking clearance from the Office of Management and Budget (OMB) for information collections related to the FAR clause 52.222-90. The clearance will provide coverage for all agencies using the clause. The clause requires that contractors must—

- Furnish all information and reports, including providing access to books, records, and accounts, as required by the contracting officer, for purposes of ascertaining compliance with the clause (FAR 52.222-90(b)(2));
- Report any subcontractor's known or reasonably knowable conduct, that may violate the clause, to the contracting officer and take any appropriate remedial actions directed by the contracting officer (FAR 52.222-90(b)(4)); and
- Inform the contracting officer if a subcontractor sues the contractor and the suit puts at issue, in any way, the validity of the clause (FAR 52.222-90(b)(5)).

Until clearance is received, you may still enforce the requirement for contractors to submit existing records regarding compliance with the requirements of the clause in connection with individual investigations, such as records that may be requested by the Equal Employment Opportunity Commission or the Department of Justice as part of an investigation of an alleged violation of the clause.

You should further expect that contractors will alert the appropriate contracting officer of potential violations of the clause or lawsuits relating to the clause.

Once clearance is received, the Office of the Senior Procurement Executive (OSPE) will communicate to the workforce that you can begin to enforce full compliance with FAR clause 52.222-90 requirements.

- VI. 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).
- VII. Expiration Date:** This CD will remain in effect until it is incorporated into the FAR or is otherwise rescinded, whichever occurs first.

**VIII. Point of Contact:** Questions or comments regarding this deviation may be directed to [DOTAcquisitionPolicy@dot.gov](mailto:DOTAcquisitionPolicy@dot.gov).

**Attachments:**

A. RFO Model Deviation Text

**Attachment A**

**(DEVIATION APR 2026)**

**Executive Order 14398, Addressing DEI Discrimination by Federal Contractors**

Baseline is the Revolutionary Federal Acquisition Regulation Overhaul as posted in [Acquisition.gov](https://www.acquisition.gov) on April 1, 2026.

Changes made in the proposed rule are shown by **[additions]** and deletions. Asterisks \*\*\*\*\* or \*\*\* reflects text remains unchanged.

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**PART 9—CONTRACTOR QUALIFICATIONS**

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**Subpart 9.4 - Debarment, Suspension, and Ineligibility**

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**9.406 Debarment.**

\* \* \* \* \*

**9.406-2 Causes for debarment.**

The suspending and debarring official may debar-

\* \* \* \* \*

(b)(1) \* \* \*

\* \* \* \* \*

**[(viii) Failure to comply with the requirements of the clause at 52.222-90, Addressing DEI Discrimination by Federal Contractors.]**

\* \* \* \* \*

**9.407 Suspension.**

\* \* \* \* \*

**9.407-2 Causes for suspension.**

(a) The suspending and debarring official may suspend a contractor suspected, upon adequate evidence, of—

\* \* \* \* \*

**[(11) Failure to comply with the requirements of the clause at 52.222-90, Addressing DEI Discrimination by Federal Contractors.]**

\* \* \* \* \*

**PART 12—ACQUISITION OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES**

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**Subpart 12.2 - Solicitation, Evaluation, and Award**

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**12.205 Solicitation provisions and contract clauses.**

\* \* \* \* \*

(b)(2) \* \* \*

Table 12-3 — Clauses to include as prescribed.

| Number     | Title  | Source    |
|------------|--|-----------|
| * * * * *  | * * * * *  | * * * * * |
| [52.222-90 | Addressing DEI Discrimination by Federal Contractors | E.O.]     |

|       |       |       |
|-------|-------|-------|
| ***** | ***** | ***** |
|-------|-------|-------|

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## **PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**

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### **[Subpart 22.22—Addressing DEI Discrimination by Federal Contractors**

#### **22.2200 Scope of subpart.**

This subpart prescribes policies and procedures to implement Executive Order (E.O.) 14398, Addressing DEI Discrimination by Federal Contractors (91 FR 16147, March 31, 2026).

#### **22.2201 Definitions.**

As used in this subpart-

*Program participation* means membership or participation in, or access or admission to: training, mentoring, or leadership development programs; educational opportunities; clubs; associations; or similar opportunities that are sponsored or established by the contractor or subcontractor.

*Racially discriminatory DEI activities* means disparate treatment based on race or ethnicity in the recruitment, employment (e.g., hiring, promotions), contracting (e.g., vendor agreements), program participation, or allocation or deployment of an entity's resources.

#### **22.2202 Policy.**

Executive Order 14398 requires measures to prevent contractors from engaging in any racially discriminatory DEI activities.

**22.2203 Contract clause.**

**Insert the clause at 52.222-90, Addressing DEI Discrimination by Federal Contractors, in solicitations and contracts, including those for commercial products and commercial services, and for which the place of delivery or performance is in the United States.]**

**\* \* \* \* \***

**PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

**\* \* \* \* \***

**Subpart 52.2—Text of Provisions and Clauses**

**\* \* \* \* \***

**[52.222-90 Addressing DEI Discrimination by Federal Contractors**

**As prescribed in 22.2203, insert the following clause:**

**ADDRESSING DEI DISCRIMINATION BY FEDERAL CONTRACTORS  
(DEVIATION APR 2026)**

**(a) *Definitions.* As used in this clause—**

***Program participation* means membership or participation in, or access or admission to: training, mentoring, or leadership development programs; educational opportunities; clubs; associations; or similar opportunities that are sponsored or established by the contractor or subcontractor.**

***Racially discriminatory diversity, equity, and inclusion (DEI) activities* means disparate treatment based on race or ethnicity in the recruitment, employment (e.g., hiring,**

promotions), contracting (e.g., vendor agreements), program participation, or allocation or deployment of an entity's resources.

**(b) In connection with the performance of work under this contract, the Contractor agrees as follows:**

**(1) The Contractor will not engage in any racially discriminatory DEI activities.**

**(2) The Contractor will furnish all information and reports, including providing access to books, records, and accounts, as required by the Contracting Officer, for purposes of ascertaining compliance with this clause.**

**(3) In the event of the Contractor's or a subcontractor's noncompliance with this clause, this contract may be canceled, terminated, or suspended in whole or in part, and the Contractor or subcontractor may be declared ineligible for further Government contracts.**

**(4) The Contractor will report any subcontractor's known or reasonably knowable conduct that may violate this clause to the Contracting Officer and take any appropriate remedial actions directed by the Contracting Officer.**

**(5) The Contractor will inform the Contracting Officer if a subcontractor sues the Contractor and the suit puts at issue, in any way, the validity of this clause.**

**(6) The Contractor recognizes that compliance with the requirements of this clause are material to the Government's payment decisions for purposes of 31 U.S.C. 3729(b)(4).**

**(c) The Contractor must include the substance of this clause, including this paragraph (c), in subcontracts at any tier, including those for commercial products and**

commercial services, for which the place of delivery or performance is in the United States.

(End of clause)]

\* \* \* \* \*

**52.244-6 Subcontracts for Commercial Products and Commercial Services.**

As prescribed in 44.403, insert the following clause:

**SUBCONTRACTS FOR COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES  
([DEVIATION APR 2026])**

\* \* \* \* \*

(b)(2) \* \* \*

| <b>Number</b>     | <b>Title</b>  | <b>Date</b>      |
|-------------------|---|------------------|
| * * * * *         | * * * * *   | * * * * *        |
| <b>[52.222-90</b> | <b>Addressing DEI Discrimination by Federal Contractors</b> | <b>APR 2026]</b> |
| * * * * *         | * * * * *   | * * * * *        |

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**U.S. Department  
of Transportation**

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

Office of the Secretary  
of Transportation

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**SUBJECT:** Class Deviation No. 2026-17 from the Federal Acquisition Regulation for FAR Part 22 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

**FROM:** Chrishaun Jones  
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Office of the Senior Procurement Executive

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Date: 2025.10.27 15:10:36  
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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 22 for purposes of implementing the Federal Acquisition Regulatory Council’s (the Council’s) model deviation text to FAR part 22.
- 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 22, Application of Labor Laws to Government Acquisitions, is restructured to align with the stages of the acquisition lifecycle. This reorganization will help acquisition teams apply the labor requirements during the correct stage of the procurement. The part is now shorter, with many sections combined to remove redundancy and duplicative language.

Importantly, the fundamental protections for workers remain the same. For example, contractors are still required to:

- Pay the correct prevailing wages for construction and service work
- Provide safe and sanitary working conditions
- Ensure equal opportunity for veterans
- Pay overtime correctly

Subpart 22.11, “Professional Employee Compensation” was not based on statute. This part, and the provision in 52.222-46, “Evaluation of Compensations for Professional Employees” has been removed.

The model deviation text for this part does not cover the rescission of Executive Order (E.O.) 14026, addressing minimum wage for federal contractors, made by E.O. 14236. For information on the rescission of E.O. 14026, see the Department of Labor's website at <https://www.dol.gov/agencies/whd/government-contracts/eo14026>.

Statutory requirements and presidential directives retained in the RFO FAR part 22 model deviation include, but may not be limited to, the following:

- 8 U.S.C. § 1324a, Unlawful Employment of Aliens
- 18 U.S.C. § 874, Kickbacks from Public Works Employees
- 22 U.S.C. §§ 7101 et seq, Trafficking Victims Protection
- 29 U.S.C. §§ 201 et seq, Fair Labor Standards
- 29 U.S.C. § 793, Employment Under Federal Contracts
- 38 U.S.C. § 4212, Veterans’ Employment Emphasis Under Federal Contracts
- 40 U.S.C. §§ 3141 et seq, Wage Rate Requirements
- 40 U.S.C. §§ 3701 et seq, Contract Work Hours and Safety Standards
- 41 U.S.C. § 6502, Required Contract Terms
- 41 U.S.C. §§ 6701 et seq, Service Contract Labor Standards
- E.O. 11755, Relating to Prison Labor, as amended by E.O.s 12608 and 12943
- E.O. 13126, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor
- E.O. 13496, Notification of Employee Rights Under Federal Labor Laws
- E.O. 13706, Establishing Paid Sick Leave for Federal Contractors
- E.O. 14063, Use of Project Labor Agreements for Federal Construction Projects

The following table is not an exhaustive list but includes notable updates to FAR part 22.

| Change          | Description   |
|-----------------|---|
| <b>Retained</b> | <ul style="list-style-type: none"> <li>• Subpart 22.7 remains reserved.</li> <li>• Subpart 22.12 remains reserved.</li> <li>• Subpart 22.20 remains reserved.</li> <li>• Numerous <b>provisions and clauses</b> are retained (or remain reserved) with no changes. For readability of this document, all retained provisions and</li> </ul> |

|                              |   |
|------------------------------|---|
|                              | <p>clauses are not listed. <b>Updated and deleted provisions and clauses are listed below.</b></p>  |
| <p><b>Moved/ Updated</b></p> | <ul style="list-style-type: none"> <li>• Section 22.001, “<b>Definitions</b>”, is updated to centralize definitions that were previously scattered throughout the part, make conforming edits to existing definitions to reflect the new part structure, and make other updates to modernize or streamline the definitions as appropriate. <ul style="list-style-type: none"> <li>○ The definition of “<b>Administrator</b>” is revised to remove the full mailing address.</li> <li>○ The definition of “<b>Normal workweek</b>” is relocated from the former subsection 22.103-1.</li> <li>○ The definition of “<b>Secretary</b>” is relocated from section 22.1601 in order to standardize the term’s usage throughout the part.</li> <li>○ The definition of “<b>Service contract</b>” is updated to align the citations with the changes made to the part.</li> </ul> </li> <li>• <b>All subparts</b>, unless otherwise noted, are updated and restructured. Content from former sections has been <b>consolidated and relocated</b> into new sections that reflect the <b>acquisition lifecycle (e.g., Presolicitation, Evaluation and Award, Postaward)</b>.</li> <li>• Subsection 22.201-1, “General”, streamlines the detailed explanatory text from <b>Executive Order 11755</b>, which was quoted at length in the former 22.201. The section now simply states that the Executive Order “does not prohibit the contractor... from employing certain persons as stated in paragraph (b) of the clause at 52.222-3, Convict Labor”. This change streamlines the regulation by relying on the text of the contract clause itself to provide the specific requirements, rather than repeating them in the FAR text.</li> <li>• Section 22.401, “Definitions”, revises and harmonizes the definition of “<b>Laborers or mechanics</b>” with the definition used in Subpart 22.3. The updated definition in this section explicitly includes “firefighters, fireguards, and workmen who perform services in connection with dredging or rock excavation in rivers or harbors” and excludes “any employee employed as a seaman”. This creates greater consistency across related subparts.</li> <li>• Paragraph (d) under subsection 22.402-3, “Construction Wage Rate Requirements Statute” retains the direction (previously at 22.404-2(c)(5)) for contracting officers to <b>seek assistance from the Administrator of the Wage and Hour Division</b> in cases of doubt as to the proper application of wage rate schedules. The detailed guidance for selecting the proper schedule of wage rates (e.g., Building, Residential, Highway, Heavy) has been removed.</li> <li>• Section 22.1303, “Evaluation and Award”, under subpart 22.13, “<b>Equal Opportunity for Veterans</b>”, removes the option to contact VETS-4212 customer support (previously at 22.1304(b)) to verify if a proposed contractor is current with its VETS-4212 Report. Now, contracting officers must query the <b>VETS-4212 database</b>.</li> </ul> |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• The following <b>provisions and clauses</b> are updated for clarity, to mirror updates made throughout the part, and/or to update cross-references or remove outdated content: <ul style="list-style-type: none"> <li>○ 52.222-4 (Clause), Contract Work Hours and Safety Standards—Overtime Compensation</li> <li>○ 52.222-6 (Clause), Construction Wage Rate Requirements</li> <li>○ 52.222-11 (Clause), Subcontracts (Labor Standards)</li> <li>○ 52.222-19 (Clause), Child Labor—Cooperation with Authorities and Remedies</li> <li>○ 52.222-20 (Clause), Contracts for Materials, Supplies, Articles, and Equipment</li> <li>○ 52.222-35 (Clause), Equal Opportunity for Veterans</li> <li>○ 52.222-36 (Clause), Equal Opportunity for Workers with Disabilities</li> <li>○ 52.222-37 (Clause), Employment Reports on Veterans</li> <li>○ 52.222-48 (Provision), Exemption From Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Certification</li> <li>○ Alternate I to 52.222-50 (Clause), Combating Trafficking in Persons</li> <li>○ 52.222-52 (Provision), Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Certification</li> <li>○ 52.222-53 (Clause), Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements</li> <li>○ 52.222-54 (Clause), Employment Eligibility Verification</li> </ul> </li> <li>• The <b>FAR Companion</b> is expected to include best practices and guidance on the following: <ul style="list-style-type: none"> <li>○ Definitions not included in the deviated text</li> <li>○ Department of Labor regulations involving construction</li> <li>○ Construction Wage Rate Requirements statute wage determinations</li> <li>○ Types of wage determinations</li> <li>○ Wage determinations, general requirements</li> <li>○ Notification of improper wage determination before award</li> <li>○ Examinations of payrolls and payroll statements</li> <li>○ Disposition of disputes concerning construction contract labor standards enforcement</li> <li>○ Requirement to obtain wage determinations</li> <li>○ Administrative limitations, variations, tolerances, and exemptions</li> <li>○ Examples of contracts covered by the Service Contract Labor Standards statute</li> <li>○ Repair distinguished from remanufacturing of equipment</li> <li>○ Department of Labor responsibilities and regulations</li> <li>○ Obtaining wage determinations</li> <li>○ Successorship with incumbent contractor collective bargaining agreement</li> <li>○ All possible places of performance not identified</li> </ul> </li> </ul> |
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|                |   |
|----------------|---|
| <b>Removed</b> | <ul style="list-style-type: none"> <li>• The definitions of “Wage and Hour Division” and “Wage Determination” formerly at section 22.1001, are removed and expected to be included in the FAR Companion.</li> <li>• Subpart 22.8, “<b>Equal Employment Opportunity</b>”, is removed and marked reserved to comply with E.O. 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity.</li> <li>• Subpart 22.11, “<b>Professional Employee Compensation</b>” is removed and marked reserved. This subpart was not based on statute.</li> </ul> |
|----------------|---|

**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 RFO TAR 1201.104(d) shall follow the [RFO FAR part 22 model deviation text](#) instead of FAR part 22 as codified at 48 CFR chapter 1. The Council’s RFO FAR part 22 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.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 22 guidance.

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 clauses, the contracting officer may be required to separately address certain aspects in the contract.

Contracting activities must review templates and related standard operating procedures to align with this class deviation and remove unnecessary processes and steps.

- 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](mailto:DOTAcquisitionPolicy@dot.gov).