



**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. 2026-22, 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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**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- Remove duplicative or outdated language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	
<b>Background</b>	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.
<b>Supplement Update</b>	<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	
<b>Background</b>	<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>
<b>Supplement Update 1</b>	<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"> <li>• Enhances usability by restructuring and organizing the part in the logical flow of the acquisition lifecycle.</li> <li>• Simplifies mandatory guidance.</li> <li>• <del>Make the use of Governmentwide Best in Class (BIC) contracts mandatory</del> [Makes the use of OFPP – designated “Required Use” contracts mandatory.]</li> <li>• Retains focus on the importance of the AbilityOne Program</li> </ul>

<b>Supplement Update 2</b>	<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"> <li>• Use of Existing Contracts. 8.104 replaces section 8.004, “Use of Other Sources.” <del>Best in class (BIC)</del><b>[OFPP – designated “Required Use”]</b> contracts or BPAs are now <del>required</del><b>[mandatory]</b> 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 <del>BIC</del><b>[“required use” contract]</b> is not suitable, agencies should consider use of an existing governmentwide contract, BPA, or shared service.</li> </ul>
<b>Miscellaneous</b>	<ul style="list-style-type: none"> <li>• OFPP is expected to provide more information about “required use” contracts in the future.</li> </ul>

<b>RFO FAR part 9</b>	
<b>Background</b>	<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>
<b>Supplement Update 1</b>	<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"> <li>• 52.209-8 remains reserved</li> <li>• 52.209-12 (Provision), Certification Regarding Tax Matters</li> <li>• 52.209-14 (Clause), Reserve Officer Training Corps and Military Recruiting on Campus</li> </ul>
<b>Supplement Update 2</b>	<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"> <li>• 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"> <li>○ 52.209-1 (Clause), Qualification Requirements</li> <li>○ 52.209-2 (Provision), Prohibition on Contracting with Inverted Domestic Corporations-Representation</li> <li>○ 52.209-3 (Clause), First Article Approval-Contractor Testing <ul style="list-style-type: none"> <li>▪ Note - The Alternates are not updated</li> </ul> </li> <li>○ 52.209-4 (Clause), First Article Approval-Government Testing <ul style="list-style-type: none"> <li>▪ Note - The Alternates are not updated</li> </ul> </li> <li>○ 52.209-5 (Provision), Certification Regarding Responsibility Matters</li> <li>○ 52.209-6 (Clause), Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, Proposed for Debarment, or Voluntarily Excluded</li> <li>○ 52.209-7 (Provision) Information Regarding Responsibility Matters</li> <li>○ 52.209-9 (Clause), Updates of Publicly Available Information Regarding Responsibility Matters</li> <li>○ 52.209-10 (Clause), Prohibition on Contracting with Inverted Domestic Corporations</li> <li>○ 52.209-11 (Provision), Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law</li> <li>○ 52.209-13 (Provision) Violation of Arms Control Treaties or Agreements-Certification</li> </ul> </li> </ul>
<b>Supplement Update 3</b>	<p>Section 4, “Required Actions,” is updated to add the following bullets after the first paragraph:</p> <ul style="list-style-type: none"> <li>• For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at <a href="#">RFO FAR Part 52</a>.</li> <li>• 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.</li> </ul> <p>The rest of Section 4, “Required Actions,” is unchanged.</p>

<b>Miscellaneous</b>	<ul style="list-style-type: none"> <li>• 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&amp;C Table.</li> </ul>
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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](mailto:DOTAcquisitionPolicy@dot.gov).



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**SUBJECT:** Class Deviation No. 2025-16 from the Federal Acquisition Regulation for FAR Part 5 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 5 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR part 5.
- 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 5, concerning Publicizing Contract Actions, is revised from a complex, topic-based structure to a streamlined, chronological process that mirrors the three main phases of an acquisition. The revision makes extensive use of tables to present complex information regarding content requirements and timing, a significant departure from the dense paragraphs of the original text. The new tables 5-1, 5-2, 5-3, and 5-4 clearly explain posting requirements and timeframes.

Statutory requirements retained in the RFO FAR part 5 model deviation, include, but are not limited to the following:

- 5 U.S.C. § 552, Public Information; Agency Rules, Opinions, Orders, Records, and Proceedings
- 15 U.S.C. § 637(e) and 41 U.S.C. § 1708, Procurement Notice
- 15 U.S.C. § 637(k), Notices of Subcontracting Opportunities
- 15 U.S.C. § 637b, Availability of Information
- 15 U.S.C. § 644, Awards or Contracts
- 44 U.S.C. §§ 3701-3703, Awarding of Contracts
- Pub. L. 97-219, Small Business Innovation Development Act of 1982

The following table is not an exhaustive list but includes notable updates to FAR part 5.

Change	Description
Retained	<ul style="list-style-type: none"> <li>• Section 5.000 “<b>Scope of Part</b>” has been updated to specify that notices are posted in the Governmentwide Point of Entry (GPE).</li> <li>• Section 5.001 “<b>Definitions</b>” retains and streamlines the definition of “Contract Action” and adds definitions of “Notice” and “Presolicitation Notice”.</li> <li>• Section 5.002 “<b>Policy</b>” retains the general purpose to <b>increase competition</b> and <b>broaden industry participation</b>. Language in this section has been revised from “assist small business concerns” to inform small <b>business concerns</b> of contract and subcontract opportunities.</li> <li>• <b>New subparts</b> 5.1 “Presolicitation”, 5.2 “Solicitation”, and 5.3 “Award” create logical organization in <b>alignment with the acquisition lifecycle</b>, creating clear points of reference. <ul style="list-style-type: none"> <li>○ Content from the former <b>Subparts 5.1 “Dissemination of Information”, 5.2 “Synopses of Proposed Contract Actions”, and 5.3 “Synopses of Contract Awards”</b> is streamlined within the new subpart structure.</li> </ul> </li> <li>• New tables are added to section 5.101 “Presolicitation Notice” that provide greater readability. Specifically, Table 5-1 identifies <b>presolicitation language regarding trade agreements</b> and Table 5-2 clarifies minimum posting timeframes for presolicitation notices.</li> <li>• Guidance for “<b>Paid Advertisements</b>” is moved from subpart 5.5 to the new section 5.102, and is significantly streamlined.</li> <li>• Guidance on “Special Situations,” previously at 5.205, has been moved to the new section 5.103 “<b>Special Notices</b>” and is significantly streamlined, reflecting notices for Federal Funded Research and Development Centers (FFRDC), and consolidation, bundling, and substantial bundling.</li> <li>• New tables are added to section 5.201 “Solicitation Notice” that provide greater readability. Specifically, Table 5-3 identifies</li> </ul>

	minimum <b>timeframes for receipt of quotations or offers</b> , and Table 5-4 identifies minimum <b>posting timeframes for award notices</b> .
<b>Removed</b>	<ul style="list-style-type: none"> <li>• With rare exception, the term “<b>synopsis</b>” has been removed.</li> <li>• <b>Subpart 5.4 “Release of Information”</b> has been removed as largely duplicative of the general posting guidance throughout the part.</li> <li>• <b>Subpart 5.6 “Publicizing Multi-Agency Use Contracts”</b>, which required agencies to enter information into a specific governmentwide database of contracts, has been removed as duplicative and outdated.</li> <li>• <b>Subpart 5.7 “Publicizing Requirements Under the American Recovery and Reinvestment Act of 2009 (ARRA)”</b> has been removed because ARRA is no longer active.</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 TAR 1201.104(d) shall follow the [RFO part 5 model deviation text](#) instead of FAR part 5 as codified at 48 CFR chapter 1. The Council’s RFO part 5 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 5 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](mailto:DOTAcquisitionPolicy@dot.gov).