



**U.S. Department
of Transportation**

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

Office of the Secretary
of Transportation

MEMORANDUM TO: Department of Transportation (DOT) Chiefs of the Contracting
Offices (COCOs)

FROM: Chrishaun Jones
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Office of the Senior Procurement Executive

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SUBJECT: Transportation Acquisition Regulation (TAR) Class Deviation
(CD) No. 2025-02 – TAR 1252.232-70

- I. Purpose:** This class deviation (CD) is issued in accordance with Transportation Acquisition Regulation (TAR) 1201.404 to revise the following TAR subpart. This CD provides procurement guidance to implement Executive Order (E.O.) 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*.

TAR Parts impacted: 1252

- a. TAR Part 1252 - Solicitation Provisions and Contract Clauses
- Clause 1252.232-70 - Electronic Submission of Payment Requests
 - Status: Revised to comply with the E.O.

- II. Effective Date:** Immediately.

- III. Background:** On January 20, 2025, President Trump issued E.O 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*. This E.O. directs all executive departments and agencies to “terminate all discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, and requirements” and to enforce civil rights laws by ending illegal diversity, equity, and inclusion (DEI) or diversity, equity, inclusion, and accessibility (DEIA) activities across both the Federal Government and the private sector. The order revokes several prior DEI- and affirmative action–related executive orders and includes specific requirements affecting Federal acquisition and financial assistance practices.

- IV. Section 3(b)(iv) of E.O. 14173 states that:**

- “The head of each agency shall include in every contract or grant award:
 - (A) ‘A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws

- is material to the government's payment decisions for purposes of section 3729(b)(4) of title 31, United States Code;'* and
- (B) *'A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.'*

As a result of the issuance of E.O. 14173, DOT is revising TAR Part 1252 by deviating the currently published clause at TAR 1252.232-70, *Electronic Submission of Payment Requests*, to incorporate these new terms and ensure that DOT contracting and financial assistance actions align with the order's requirements.

- IV. **Required Action:** Contracting Officers shall insert the TAR Deviation text in Attachment A in solicitations and contracts exceeding the micro-purchase threshold, except those for which the contracting officer has directed or approved otherwise under 1232.7002, and those paid with a Governmentwide commercial purchase card. Please refer to DOT DASH 2025-03 for certification instructions applicable to purchase card transactions, classified contracts, and paper payment requests, which are excluded from this TAR Deviation.
- V. **Applicability:** This CD applies to 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), and applies to all DOT solicitations and contracts, as appropriate.
- VI. **Expiration Date:** This CD remains in effect until the requirements are incorporated into the TAR, or are otherwise rescinded, whichever occurs first.
- VII. **Point of Contact:** Questions or comments regarding this CD may be directed to DOTAcquisitionPolicy@dot.gov.

Attachments:

- A. TAR Deviation Text

Attachment A: TAR Deviation Text

Transportation Acquisition Regulation (TAR) Class Deviation (CD) No. 2025-02 – TAR Part 1252, 1252.232-70 (DEVIATION) (AUG 2025)

CLASS DEVIATION

TAR Text Baseline is 48 CFR chapter 12 dated July 7, 2025.

Additions are shown as **[bolded and bracketed]** and deletions are shown in strikethrough ~~deletions~~. TAR Text unchanged shown as asterisks.

PART 1252 -- SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 1252.2—Text of Provisions and Clauses

1252.232-70 Electronic Submission of Payment Requests. [(DEVIATION)(AUG 2025)]

As prescribed in 1232.7005, insert the following clause:

(d) *Invoice requirements.* To receive payment and in accordance with the Prompt Payment Act, all invoices submitted as attachments in *iSupplier* (DELPHI) shall contain the following:

- (1) Invoice number and invoice date.
- (2) Period of performance covered by invoice.
- (3) Contract number and title.
- (4) Task/Delivery Order number and title (if applicable).
- (5) Amount billed (by CLIN), current and cumulative.
- (6) Total (\$) of billing.
- (7) Cumulative total billed for all contract work to date.
- (8) Name, title, phone number, and mailing address of person to be contacted in the event of a defective invoice.
- (9) Travel. If the contract includes allowances for travel, all invoices which include charges pertaining to travel expenses will catalog a breakdown of reimbursable expenses with the appropriate receipts to substantiate the travel expenses.
- [(10) The following statement “The Contractor also affirms that it does not operate any diversity, equity, and inclusion (DEI) initiatives that are inconsistent with the Equal Protection principles of the Constitution and the non-discrimination requirements of Federal law, as interpreted by the Supreme Court in *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023).”]**
