



**U.S. Department
of Transportation**

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

Office of the Secretary
of Transportation

SUBJECT: Class Deviation No. 2026-04 from the Transportation Acquisition Regulation for TAR Part 1204 in Support of Executive Order 14275, Restoring Common Sense to Federal Procurement

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

TO: Department of Transportation Chiefs of the Contracting Offices

- I. Purpose:** This memorandum approves a class deviation to the Transportation Acquisition Regulation (TAR) part 1204 for the purpose of implementing, in the TAR, Federal Acquisition Regulation (FAR) Class Deviation (CD) (No. 2025-18) for FAR part 4 in support of Executive Order (E.O.) 14275, “Restoring Common Sense to Federal Procurement.”
- II. Effective Date:** Immediately.
- III. Background:** On April 15, 2025, [Executive Order \(E.O.\) 14275, 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 Revolutionary FAR Overhaul (RFO) initiative will make the FAR more concise, understandable, and focused on core procurement requirements. This also applies to agency supplements to the FAR.

Under this initiative, 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- Remove duplicative or outdated language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.

The RFO FAR part 4 model deviation text upon which this RFO TAR part 1204 deviation is also based, establishes bedrock principles. The Department of Transportation (DOT) issued [FAR CD 2025-18](#) for FAR part 4 on September 5, 2025.

To ensure alignment with recently issued E.O.s and the RFO FAR part CD, it is necessary to issue this RFO TAR CD in advance of a proposed rule to implement these requirements to

ensure DOT policies and procedures align with these requirements. DOT intends on conducting further analysis and developing a rule for publication in the Federal Register for public comment after the release of this CD, and after FAR proposed and final rules are published.

IV. Summary of Changes: The following table is not an exhaustive list but includes notable updates to TAR part 1204:

Change	Description
New/Retained/Updated	General – Updated TAR content and headings to align with RFO FAR Part 4. • Subpart 1204.2—Solicitation, Evaluation, and Award (New) ○ 1204.205, Personal identity verification. Revises and moves text from 1204.1301 to align with RFO FAR 4.205. ○ 1204.208, Solicitation provisions and contract clauses. Adds prescription for existing clause 1252.204-70, Contractor Personnel Security and Agency Access. Moved from 1204.1303 to align with RFO FAR 4.208. • Subpart 1204.3—Postaward (New) ○ Moved from Subpart 1204.17, Service Contracts Inventory to Subpart 1204.3 to align with RFO FAR subpart 4.3. ○ 1204.303, Service contracts inventory. Creates new section for text from previous subpart. Adds public facing DOT link to reports. ○ 1204.308, Contract closeout. Incorporates a header/title with no text. ○ 1204.308-170 Supporting closeout documents. Adds public link to DOT closeout documents and guidance for contractors to assist DOT in proper administration and closeout. Revised and moved from 1204.804-570 to align with RFO FAR part. • TAR Clause 1252.204-70, Contractor Personnel Security and Agency Access (APR 2026)(RFO DEVIATION) – updated citation and streamlined content.
Removed	General – Text has been deleted in the sections below to remove non-statutory guidance. • Subpart 1204.1, Contract Execution. Including underlying section 1204.103, Contract clause. Determined obsolete. • Subpart 1204.5, Electronic Commerce in Contracting. Including underlying section 1204.502, Policy. Redundant to FAR coverage. • Subpart 1204.8, Government Contract Files. Including underlying sections 1204.801, General; 1204.804, Closeout of contract files; 1204.804-5, Procedures for closing out contract files; and 1204.804-570, Supporting closeout documents. Text was streamlined and moved to new section 1204.308, Contract closeout, to align with RFO FAR part 4. • Subpart 1204.9, Taxpayer Identification Number. Including underlying section 1204.903, Reporting contract information to the IRS, was removed as unnecessary and obsolete. • Subpart 1204.13, Personal Identify Verification, and underlying section 1204.1301, Policy, revised and moved to Subpart 1204.2,

	Solicitation, Evaluation, and Award, and a new underlying section 1204.205, Personal identity verification, to align with RFO FAR part 4. • Subpart 1204.17, Service Contracts Inventory. Including its underlying section 1204.1703, Reporting requirements. Moved to Subpart 1204.3, Post-award, and new section 1204.303, and revised.
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- V. **Required Actions:** Contracting Officers shall follow the RFO TAR part 1204 deviation text, including the corresponding part 1252 deviation text, in lieu of TAR part 1204 and part 1252 as codified at 48 CFR, chapter 12. The RFO TAR deviation text is shown in the Attachment including any cognizant TAR part 1252 solicitation provisions or contract clauses prescribed in TAR part 1204.

Chiefs of the Contracting Offices (COCOs) must ensure this deviation is disseminated to the acquisition workforce and ensure compliance with the requirements in the CD.

For new solicitations, contracts or orders:

- Include applicable deviated provisions and clauses (marked **(APR 2026)(RFO Deviation)**) as attached.

For open solicitations:

- 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 an awarded contract.

For existing contracts and orders:

- No action required for the clause associated with this class deviation.

- VI. **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) in accordance with RFO TAR 1201.103-70(b).
- VII. **Authority:** This CD is issued under the authority of RFO FAR 1.304, Class deviations; TAR 1201.404, Class deviations; and the revised citation at RFO TAR 1201.304, for the purpose of implementing policy in the TAR to comply with requirements of certain E.O.s, statutes, and other directives in DOT FAR CD No. 2025-18.
- VIII. **Expiration Date:** This CD will remain in effect until it is incorporated into the TAR, superseded, or is otherwise rescinded, whichever occurs first.
- IX. **Point of Contact:** Questions or comments regarding this deviation may be directed to DOTAcquisitionPolicy@dot.gov.

Attachment:

- A. RFO TAR Part 1204 & Applicable Part 1252 Deviation Text – Bold/Bracketed/Line-in Line-Out (BB-LILO)

Transportation Acquisition Regulation (TAR) Class Deviation (CD) No. 2026-04

Attachment A

RFO TAR Part 1204 and 1252 Deviation Text

TAR Text Baseline is 48 CFR chapter 12 as of March 26, 2026.

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

Part 1204—Administrative and Information Matters

~~Subpart 1204.1—Contract Execution~~

~~1204.103—Contract clause.~~

[Subpart 1204.2—Solicitation, Evaluation, and Award

1204.205 Personal identity verification.

1204.208 Solicitation provisions and contract clauses.]

[Subpart 1204.3—Postaward

1204.303 Service contracts inventory.

1204.308 Contract closeout.

1204.308-170 Supporting closeout documents.]

~~Subpart 1204.5—Electronic Commerce in Contracting~~

~~1204.502—Policy.~~

~~Subpart 1204.8—Government Contract Files~~

~~1204.801—General.~~

~~1204.804—Closeout of contract files.~~

~~1204.804-5—Procedures for closing out contract files.~~

~~1204.804-570 Supporting closeout documents.~~

~~Subpart 1204.9—Taxpayer Identification Number Information~~

~~1204.903—Reporting contract information to the IRS.~~

~~Subpart 1204.13—Personal Identity Verification~~

~~1204.1301—Policy.~~

~~1204.1303—Contract clause.~~

~~Subpart 1204.17—Service Contracts Inventory~~

~~1204.1703—Reporting requirements.~~

Authority: [5 U.S.C. 301](#); [41 U.S.C. 1121\(c\)\(3\)](#); [and] [41 U.S.C. 1702](#); and ~~[48 CFR 1.301](#)~~
through [1.304](#).

PART 1204—ADMINISTRATIVE AND INFORMATION MATTERS

Subpart 1204.1—Contract Execution

1204.103 ~~Contract clause.~~

~~The contracting officer shall insert the clause at FAR 52.204-1, Approval of Contract, filled in as appropriate, in solicitations and contracts when approval to award the resulting contract must be obtained from an official at a level above the contracting officer.~~

[Subpart 1204.2—Solicitation, Evaluation, and Award

1204.205 Personal identity verification.

(a) DOT follows National Institute of Standards and Technology (NIST) Federal Information Processing Standards (FIPS) Publication (PUB) Number 201-2, Personal Identity Verification (PIV) of Federal Employees and Contractors, and OMB implementation guidance for personal identity verification, for all affected contractor and subcontractor personnel when contract performance requires contractors to have routine physical access to a federally-controlled facility and/or routine physical and logical access to a federally-controlled information system.]

1204.208 Solicitation provisions and contract clauses.

(d) Insert the clause at 1252.204-70, Contractor Personnel Security and Agency Access, in solicitations and contracts, exceeding the micro-purchase threshold, when contract performance requires contractors to have routine physical access to a federally-controlled facility and/or routine physical and logical access to a Departmental/federally-controlled information system.]

[Subpart 1204.3—Postaward

1204.303 Service contracts inventory.

(c)(1) The OSPE is responsible for compiling and submitting the DOT annual inventory to OMB and for posting and publishing the inventory at <https://www.transportation.gov/assistant-secretary-administration/procurement/service-contract-inventory>.

[1204.308 Contract closeout.

1204.308-170 Supporting closeout documents.

(a) Obtain the listed DOT and Department of War (DOW) forms from the contractor to facilitate contract closeout (see <https://www.transportation.gov/assistant-secretary-administration/procurement/senior-procurement-executive>)-

(1) DOT Form 4220.4, Contractor's Release, *see* FAR 52.216-7;

(2) DOT Form 4220.45, Contractor's Assignment of Refunds, Rebates, Credits and Other Amounts, *see* FAR 52.216-7;

(3) DOT Form 4220.46, Cumulative Claim and Reconciliation Statement, *see* FAR 4.804-5(a)(13); and

(4) DD Form 882, Report of Inventions and Subcontracts, *see* FAR 52.227-14.]

~~Subpart 1204.5—Electronic Commerce in Contracting~~

~~1204.502 Policy.~~

~~(c) DOT's preferred policy is to use electronic signatures, records and communication methods in lieu of paper transactions whenever practicable. Before using electronic commerce, the HOA and OA shall ensure that the OA systems are capable of ensuring authentication and confidentiality commensurate with the risk of unauthorized access to or modification of the information.~~

~~Subpart 1204.8—Government Contract Files~~

~~1204.801 General.~~

~~(a) The COCO is designated as the head of each office performing contracting and contract administration functions. The Chief Financial Officer (CFO) of the OA is designated as the head of the office performing paying functions.~~

~~1204.804 Closeout of contract files.~~

~~1204.804-5 Procedures for closing out contract files.~~

~~1204.804-570 Supporting closeout documents.~~

~~(a) When applicable and prior to contract closeout, the contracting officer shall obtain the listed DOT and Department of Defense (DOD) forms ([see paragraphs \(a\)\(1\) through \(4\)](#) of this section) from the contractor to facilitate contract closeout. See part 1253 for links to forms.~~

~~(1) Form DOT F 4220.4, Contractor's Release, *see* FAR 52.216-7;~~

~~(2) Form DOT F 4220.45, Contractor's Assignment of Refunds, Rebates, Credits and Other Amounts, *see* FAR 52.216-7;~~

~~(3) Form DOT F 4220.46, Cumulative Claim and Reconciliation Statement, *see* FAR 4.804-5(a)(13); and~~

(4) Department of Defense (DD) Form 882, Report of Inventions and Subcontracts, *see* FAR 52.227-14.

(b) The forms listed in [paragraph \(a\)](#) of this section are used primarily for the closeout of cost-reimbursement, time and materials, and labor-hour contracts. However, the forms may also be used for closeout of other contract types or when necessary to protect the Government's interest.

Subpart 1204.9—Taxpayer Identification Number Information

1204.903 Reporting contract information to the IRS.

(a) The SPE is authorized to report certain information, including Taxpayer Identification Number (TIN) data, to the Internal Revenue Service (IRS).

Subpart 1204.13—Personal Identity Verification

1204.1301 Policy.

(a) DOT follows National Institute of Standards and Technology (NIST) Federal Information Processing Standards (FIPS) Publication (PUB) Number 201-2, Personal Identity Verification (PIV) of Federal Employees and Contractors, and OMB implementation guidance for personal identity verification, for all affected contractor and subcontractor personnel when contract performance requires contractors to have routine physical access to a federally-controlled facility and/or routine physical and logical access to a federally-controlled information system.

(c) OAs must designate an official responsible for verifying contractor employees' personal identity.

1204.1303 Contract clause.

The contracting officer shall insert the clause at 1252.204-70, Contractor Personnel Security and Agency Access, in solicitations and contracts (including task orders, if appropriate), exceeding the micro-purchase threshold, when contract performance requires contractors to have routine physical access to a federally-controlled facility and/or routine physical and logical access to a Departmental/federally-controlled information system.

~~Subpart 1204.17—Service Contracts Inventory~~

~~1204.1703 Reporting requirements.~~

~~(b) (2) The OSPE is responsible for compiling and submitting the DOT annual inventory to OMB and for posting and publishing the inventory consistent with FAR 4.1703(b)(2).~~

Part 1252 – Solicitation Provisions and Contract Clauses

Subpart 1252.2—Text of Provisions and Clauses

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1252.204-70 Contractor Personnel Security and Agency Access.

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1252.204-70 Contractor Personnel Security and Agency Access.

As prescribed in 1204.1303[208], insert the following clause:

Contractor Personnel Security and Agency Access (~~NOV 2022~~)(APR 2026) (RFO DEVIATION)]

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

Agency access means access to DOT facilities, sensitive information, information systems or other DOT resources.

Applicant means a contractor employee for whom the Contractor applies for a DOT identification card.

Contractor employee means a prime contractor and subcontractor employee who requires agency access to perform work under a DOT contract.

Identification card (or “ID card”) means a government issued or accepted identification card such as a Personal Identity Verification (PIV) card, a PIV-Interoperable (PIV-I) card from an authorized PIV-1 issuer, or a non-PIV card issued by DOT, or a nonPIV card issued by another Federal agency and approved by DOT. PIV and PIV-1 cards have physical and electronic attributes that other (non-PIV) ID cards do not have.

Issuing office means the DOT entity that issues identification cards to contractor employees.

Local security servicing organization means the DOT entity that provides security services to the DOT organization sponsoring the contract.

(b) *Risk and sensitivity level designations.* For contracts requiring access to DOT facilities, sensitive information, information systems or other DOT resources, contractor employees will be

required to complete background investigations, identity proofing, and government identification card application procedures to determine suitability for access. DOT will assign a risk and sensitivity level designation to the overall contract and/or to contractor employee positions by category, group or individual. The risk and sensitivity level designations will be the basis for determining the level of personnel security processing required for contractor employees. The following risk and sensitivity level designations and associated level of processing are required, and each level includes the prior levels—

(1) Low risk level: National Agency Check with Written Inquiries (NACI);

(2) Moderate risk level: Minimum Background Investigation (MBI); and

(3) High risk level: Background Investigation.

(c) *Security clearances.* Contractor employees may also be required to obtain security clearances (*i.e.*, Confidential, Secret, or Top Secret). National Security work designated “special sensitive,” “critical sensitive,” or “non-critical sensitive,” will determine the level of clearance required for contractor employees. Personnel security clearances for national security contracts in DOT will be processed according to the Department of Defense National Industrial Security Program Operating Manual (NISPOM).

(d) *Pre-screening of contractor employees.* The Contractor must pre-screen individuals designated for employment under any DOT contract by verifying minimal suitability requirements to ensure that only candidates that appear to meet such requirements are considered for contract employment, and to mitigate the burden on the Government of conducting background investigations on objectionable applicants. The Contractor must exercise due diligence in pre-screening all employees prior to submission to DOT for agency access. DOT may decline to grant agency access to a contractor employee for reasons including, but not limited to—

(1) Conviction of a felony, a crime of violence, or a misdemeanor involving moral turpitude;

(2) Falsification of information entered on forms or of other documents submitted;

(3) Improper conduct including criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct adverse to the Government regardless of whether the conduct is directly related to the contract; and

(4) Any behavior judged to pose a potential threat to DOT facilities, sensitive information, information systems or other resources.

(e) *Citizenship status.* The Contractor must monitor a non-citizen's continued authorization for employment in the United States. The Contractor must provide documentation to the Contracting Officer or the Contracting Officer's Representative (COR) during the background investigation process that validates that the E-Verify requirement has been met for each contractor employee.

(f) *Background investigation and adjudication.* A contractor employee must have a favorable adjudication of background investigation before DOT will issue an ID card to the contractor employee granting access to DOT facilities, sensitive information, information systems or other DOT resources. DOT may accept favorable adjudications of background investigations from other Federal agencies when applicants have held PIV cards issued by those agencies with no break in service. DOT may also accept PIV-I (Interoperable) cards issued by an authorized PIV-1 issuer as evidence of identity. A favorable adjudication does not preclude DOT from initiating a new investigation when deemed necessary. At a minimum, the FBI National Criminal History Check (fingerprint check) must be favorably completed before a DOT identification card can be issued. Each Contractor must use the Office of Personnel Management's (OPM) e-QIP system to complete any required investigative forms. Instructions for obtaining fingerprints will be provided by the COR or Contracting Officer. The DOT Office of Security, M-40, or a DOT organization delegated authority by M-40, is responsible for adjudicating the suitability of contractor employees.

(g) *Agency access denied.* Upon contract award, DOT will initiate the agency access procedure for all contractor employees requiring access to DOT facilities, sensitive information, information systems and other DOT resources for contract performance. DOT may deny agency access to any individual about whom an adverse suitability determination is made. Failure to submit the required security information or to truthfully answer all questions shall constitute grounds for denial of access. The Contractor must not provide agency access to contractor employees until the COR or Contracting Officer provides notice of approval, which is authorized only by the DOT Office of Security (M-40) or a DOT organization delegated authority by M-40. Where a proposed contractor employee is denied agency access by the Government or, if for any reason a proposed application is withdrawn by the Contractor during the agency access process, the additional costs and administrative burden for conducting additional background investigations caused by a lack of effective prescreening or planning on the part of the Contractor may be considered as part of the Contractor's overall performance evaluation.

(h) *Identification card application process.* The COR will be the DOT ID card Sponsor and point of contact for the Contractor's application for a DOT ID card. The COR ~~shall~~**[must]** review and approve the DOT ID card application before an ID card is issued to the applicant. An applicant may be issued either a Personal Identity Verification (PIV) card that meets the standards of Homeland Presidential Security Directive (HSPD-12), or an applicant may be issued a non-PIV card. Generally, a non-PIV card will be issued for contracts that expire in six months or less, including option periods. The COR may request the issuing office to waive the six-month eligibility requirement when it is in DOT's interest for contract performance. The following applies—

(1) PIV card. The applicant must complete a DOT on-line application for a PIV card;

(2) Non-PIV card. The applicant must complete and submit a hard copy of Form 1681 to the COR/Sponsor; and

(3) Regardless of the type of card to be issued (PIV or non-PIV), the applicant must appear in person to provide two forms of identity source documents in original form to DOT. The identity

source documents must come from the list of acceptable documents included in Form F-9, OMB No. 1115-0136, Employment Eligibility Verification. At least one document must be a valid State or Federal government-issued picture identification. For a PIV card, the applicant may be required to appear in-person a second time for enrollment and activation.

(i) *Identification card custody and control.* The Contractor is responsible for the custody and control of all forms of government identification issued by DOT to contractor employees for access to DOT facilities, sensitive information, information systems and other DOT resources. The Contractor shall:

(1) Provide a listing of personnel for whom an identification (ID) card is requested to the COR or PM who will provide a copy of the listing to the card issuing office. This may include Contractor and subcontractor personnel. Follow issuing office directions for submittal of an application package(s).

(2) While visiting or performing work on a DOT facility, as specified by the issuing office, PM or COR, ensure that contractor employees prominently display their ID card.

(3) Immediately notify the COR or, if the COR is unavailable, the Contracting Officer when a contractor employee's status changes and no longer requires agency access (*e.g.*, employee's transfer, completion of a project, retirement, removal from work on the contract, or termination of employment) that may affect the employee's eligibility for access to the facility, sensitive information, or resources.

(4) Promptly deliver to the issuing office: (a) all ID cards assigned to an employee who no longer requires access to the facility; and (b) all expired ID cards within five (5) days of their expiration or all cards at time of contract termination, whichever occurs first.

(5) Immediately report any lost or stolen ID cards to the issuing office and follow its instructions.

(i) The Contractor is responsible for maintaining and safeguarding the DOT ID card upon issuance to the contractor employee. The Contractor must ensure that contractor employees comply with DOT requirements concerning the renewal, loss, theft, or damage of an ID card. The Contractor must immediately notify the COR or, if the COR is unavailable, the Contracting Officer when an ID card is lost, stolen or damaged.

(ii) Failure to comply with the requirements for custody and control of DOT ID cards may result in withholding final payment or contract termination based on the potential for serious harm caused by inappropriate access to DOT facilities, sensitive information, information systems or other DOT resources.

(iii) Specific actions and activities are required in certain events—

(A) *Renewal.* A contractor employee's DOT issued ID card is valid for a maximum of three years or until the contract expiration date (including option periods), whichever occurs first. The renewal process should begin six weeks before the PIV card expiration date. If a PIV card is not

renewed before it expires, the contractor employee will be required to sign-in daily for facility access and may have limited access to information systems and other resources.

(B) *Lost/stolen*. Immediately upon detection, the Contractor or contractor employee must report a lost or stolen DOT ID card to the COR, or if the COR is unavailable, the Contracting Officer, the issuing office, or the local servicing security organization. The Contractor must submit an incident report within 48 hours, through the COR or, if the COR is unavailable, the Contracting Officer, the issuing office, or the local security servicing organization describing the circumstances of the loss or theft. The Contractor must also report a lost or stolen PIV card through the DOT on-line registration system. If the loss or theft is reported by the Contractor to the local police, a copy of the police report must be provided to the COR or Contracting Officer. From the date of notification to DOT, the Contractor must wait three days before getting a replacement ID card. During the 3-day wait period, the contractor employee must sign in daily for facility access.

(C) *Replacement*. An ID card will be replaced if it is damaged, contains incorrect data, or is lost or stolen for more than 3 days, provided there is a continuing need for agency access to perform work under the contract.

(D) *Surrender of ID cards*. Upon notification that routine access to DOT facilities, sensitive information, information systems or other DOT resources is no longer required, the Contractor must surrender the DOT issued ID card to the COR, or if the COR is unavailable, the Contracting Officer, the issuing office, or the local security servicing organization in accordance with agency procedures.

(j) ~~Flow down of clause~~ **[Subcontracts]**. The Contractor **[shall]** ~~is required to~~ include this clause, **[including this paragraph (d),]** in ~~any~~ subcontracts at any tier that require the subcontractor or subcontractor's employees to have access to DOT facilities, sensitive information, information systems or other resources.

(End of clause)

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