



**U.S. Department
of Transportation**

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

Office of the Secretary
of Transportation

SUBJECT: Class Deviation No. 2026-12 from the Transportation Acquisition Regulation for TAR Part 1212 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 1212 for the purpose of implementing, in the TAR, Federal Acquisition Regulation (FAR) Class Deviation (CD) (Nos. 2025-23, 2026-22, and 2026-24) for FAR part 12 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- Remove duplicative or outdated language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 12 model deviation text upon which this RFO TAR part 1212 deviation is also based, establishes bedrock principles. The Department of Transportation (DOT) issued FAR CD 2025-23 for FAR part 12 on September 9, 2025, followed by DOT FAR CD 2026-22, Supplement to certain FAR Deviations (Parts 5, 8, 9, 12, 13, and 23) on January 12, 2026, and

DOT FAR CD 2026-24, Supplement to certain FAR Deviations (Parts 9, 12, 22 and 52) on April 24, 2026. All three documents can be accessed [here](#).

To ensure alignment with 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 1212:

Change	Description
New/Retained/Updated	General – Updated TAR content and headings to align with RFO FAR Part 12. • Subpart 1212.2—Solicitation, Evaluation, and Award (New) ○ 1212.205-70, Agency solicitation provisions and contract clauses. Adds a prescription for a new clause to capture the approved group list of clauses authorized for use in solicitations and contracts for commercial products and commercial services. ▪ Ensures contracting officers may insert agency unique provisions and clauses when appropriate according to each prescription. ▪ Aligns the TAR with FAR 52.102(d) that permits agencies to develop a group listing of provisions and clauses that apply to a specific category of contracts. ▪ Provisions and clauses may be incorporated by reference in solicitations and/or contracts in lieu of providing the provisions and clauses in full text, provided the group listing is made available electronically to offerors and prospective contractors. ▪ Includes two public facing links where the full text of a provision or clause may be accessed electronically. • TAR Clause 1252.212-70, Contract Terms and Conditions Applicable to Acquisition of Commercial Products and Commercial Services (JUN 2026)(RFO DEVIATION). ○ Adds TAR clause with a group listing of provisions and clauses that apply and aligns with the RFO FAR approach.
Removed	General – Text has been deleted in the sections below to remove non-statutory guidance. • Subpart 1212.3, Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Products and Commercial Services. Including underlying section 1212.301 was removed as obsolete – RFO FAR part 12 revised subpart headings/titles and this material no longer aligns with the RFO FAR part 12 numbering and titles. ○ 1212.301, Solicitation provisions and contract clauses for the acquisition of commercial products and commercial services.

	▪ Section removed as it no longer aligns with the RFO FAR part 12 numbering and titles. ▪ Content is no longer necessary in the TAR when such content may be placed in a provision or clause; aligns with RFO FAR drafting principles. List of authorized provisions and clauses revised and moved to new clause 1252.212-70, Contract Terms and Conditions Applicable to Acquisition of Commercial Products and Commercial Services, as described above.
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- V. **Required Actions:** Contracting Officers shall follow the RFO TAR part 1212 deviation text, including the corresponding part 1252 deviation text, in lieu of TAR part 1212 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 1212.

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 **(JUN 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. 2025-23, 2026-22, and 2026-24.

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 1212 & Applicable Part 1252 Deviation Text – Bold/Bracketed/Line-in Line-Out (BB-LILO)

Transportation Acquisition Regulation (TAR) Class Deviation (CD) No. 2026-12

Attachment A

RFO TAR Part 1212 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 1212—Acquisition of Commercial Products and Commercial Services

~~Subpart 1212.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Products and Commercial Services~~

~~1212.301—Solicitation provisions and contract clauses for the acquisition of commercial products and commercial services.~~

[Subpart 1212.2—Solicitation, Evaluation, and Award

1212.205-70 Agency solicitation provisions and contract clauses.]

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 1212—ACQUISITION OF COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES

~~Subpart 1212.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Products and Commercial Services~~

~~1212.301 Solicitation provisions and contract clauses for the acquisition of commercial products and commercial services.~~

~~(f) The following DOT provisions and clauses are authorized for use in acquisitions of commercial products or commercial services when required by the individual provision or clause prescription:~~

- ~~(1) 1252.201-70, Contracting Officer's Representative.~~
- ~~(2) 1252.204-70, Contractor Personnel Security and Agency Access.~~
- ~~(3) 1252.209-70, Organizational and Consultant Conflicts of Interest.~~
- ~~(4) 1252.209-71, Limitation of Future Contracting.~~
- ~~(5) 1252.211-70, Index for Specifications.~~
- ~~(6) 1252.216-70, Evaluation of Offers Subject to an Economic Price Adjustment Clause.~~
- ~~(7) 1252.216-71, Determination of Award Fee.~~
- ~~(8) 1252.216-72, Award Fee Plan.~~
- ~~(9) 1252.216-73, Distribution of Award Fee.~~
- ~~(10) 1252.216-74, Settlement of Letter Contract.~~
- ~~(11) 1252.222-70, Strikes or Picketing Affecting Timely Completion of the Contract Work.~~
- ~~(12) 1252.222-71, Strikes or Picketing Affecting Access to a DOT Facility.~~
- ~~(13) 1252.223-70, Removal or Disposal of Hazardous Substances—Applicable Licenses and Permits.~~
- ~~(14) 1252.223-71, Accident and Fire Reporting.~~
- ~~(15) 1252.223-73, Seat Belt Use Policies and Programs.~~

- ~~(16) 1252.232-70, Electronic Submission of Payment Requests.~~
- ~~(17) 1252.237-70, Qualifications of Contractor Employees.~~
- ~~(18) 1252.237-71, Certification of Data.~~
- ~~(19) 1252.237-72, Prohibition on Advertising.~~
- ~~(20) 1252.237-73, Key Personnel.~~
- ~~(21) 1252.239-70, Security Requirements for Unclassified Information Technology Resources.~~
- ~~(22) 1252.239-71, Information Technology Security Plan and Accreditation.~~
- ~~(23) 1252.239-72, Compliance with Safeguarding DOT Sensitive Data Controls.~~
- ~~(24) 1252.239-73, Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information.~~
- ~~(25) 1252.239-74, Safeguarding DOT Sensitive Data and Cyber Incident Reporting.~~
- ~~(26) 1252.239-75, DOT Protection of Information About Individuals, PHI, and Privacy Risk Management Requirements.~~
- ~~(27) 1252.239-76, Cloud Computing Services.~~
- ~~(28) 1252.239-77, Data Jurisdiction.~~
- ~~(29) 1252.239-78, Validated Cryptography for Secure Communications.~~
- ~~(30) 1252.239-79, Authentication, Data Integrity, and Non-Repudiation.~~
- ~~(31) 1252.239-80, Audit Record Retention for Cloud Service Providers.~~
- ~~(32) 1252.239-81, Cloud Identification and Authentication (Organizational Users) Multi-Factor Authentication.~~
- ~~(33) 1252.239-82, Identification and Authentication (Non-Organizational Users).~~
- ~~(34) 1252.239-83, Incident Reporting Timeframes.~~
- ~~(35) 1252.239-84, Media Transport.~~
- ~~(36) 1252.239-85, Personnel Screening—Background Investigations.~~

- ~~(37) 1252.239-86, Boundary Protection—Trusted Internet Connections.~~
- ~~(38) 1252.239-87, Protection of Information at Rest.~~
- ~~(39) 1252.239-88, Security Alerts, Advisories, and Directives.~~
- ~~(40) 1252.239-89, Technology Modernization.~~
- ~~(41) 1252.239-90, Technology Upgrades/Refreshment.~~
- ~~(42) 1252.239-91, Records Management.~~
- ~~(43) 1252.239-92, Information and Communication Technology Accessibility Notice.~~
- ~~(44) 1252.239-93, Information and Communication Technology Accessibility.~~
- ~~(45) 1252.242-70, Dissemination of Information—Educational Institutions.~~
- ~~(46) 1252.242-71, Contractor Testimony.~~
- ~~(47) 1252.242-72, Dissemination of Contract Information.~~

[Subpart 1212.2 – Solicitation, Evaluation, and Award

1212.205-70 Agency solicitation provisions and contract clauses.

Insert clause 1252.212-70, Contract Terms and Conditions Applicable to Acquisition of Commercial Products and Commercial Services, in solicitations and contracts for commercial products and commercial services when any listed provisions or clauses apply per the prescriptions.]

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[Part 1252 – Solicitation Provisions and Contract Clauses]

Subpart 1252.2—Text of Provisions and Clauses

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1252.212-70 Contract Terms and Conditions Applicable to Acquisition of Commercial Products and Commercial Services.]

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[1252.212-70 Contract Terms and Conditions Applicable to Acquisition of Commercial Products and Commercial Services.

As prescribed in 1212.205-70, insert the following clause:

**CONTRACT TERMS AND CONDITIONS APPLICABLE TO ACQUISITION OF
COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (JUN 2026)
(RFO DEVIATION)**

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. The full text of a clause may be accessed electronically at these address(es):

<https://www.ecfr.gov/current/title-48/chapter-12/subchapter-H/part-1252>

or if a TAR issued Class Deviation to TAR solicitation provisions and contract clauses applies, may be accessed at:

<https://www.transportation.gov/assistant-secretary-administration/procurement/senior-procurement-executive>

The following provisions and clauses are incorporated by reference:

[The Contracting Officer should either check the provisions and clauses that apply or delete the provisions and clauses that do not apply from the list. The Contracting Officer may add the date of the provision or clause if desired for clarity.]

(a) *Solicitation provisions.*

___ 1252.216-70, Evaluation of Offers Subject to an Economic Price Adjustment Clause.

___ 1252.237-71, Certification of Data.

___ 1252.239-71, Information Technology Security Plan and Accreditation.

___ 1252.239-92, Information and Communication Technology Accessibility Notice.

(b) *Contract clauses.*

___ 1252.201-70, Contracting Officer's Representative.

___ 1252.204-70, Contractor Personnel Security and Agency Access.

___ 1252.209-71, Limitation of Future Contracting.

___ 1252.216-71, Determination of Award Fee.

___ 1252.216-72, Award Fee Plan.

___ 1252.216-73, Distribution of Award Fee.

___ 1252.216-74, Settlement of Letter Contract.

___ 1252.222-70, Strikes or Picketing Affecting Timely Completion of the Contract Work.

___ 1252.222-71, Strikes or Picketing Affecting Access to a DOT Facility.

___ 1252.223-70, Removal or Disposal of Hazardous Substances—Applicable Licenses and Permits.

___ 1252.223-71, Accident and Fire Reporting.

___ 1252.223-73, Seat Belt Use Policies and Programs.

___ 1252.232-70, Electronic Submission of Payment Requests.

___ 1252.237-70, Qualifications of Contractor Employees.

___ 1252.237-72, Prohibition on Advertising.

___ 1252.237-73, Key Personnel.

___ 1252.239-70, Security Requirements for Unclassified Information Technology

Resources.

_____ **1252.239-72, Compliance with Safeguarding DOT Sensitive Data Controls.**

_____ **1252.239-73, Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information.**

_____ **1252.239-74, Safeguarding DOT Sensitive Data and Cyber Incident Reporting.**

_____ **1252.239-75, DOT Protection of Information About Individuals, PII, and Privacy Risk Management Requirements.**

_____ **1252.239-76, Cloud Computing Services.**

_____ **1252.239-77, Data Jurisdiction.**

_____ **1252.239-78, Validated Cryptography for Secure Communications.**

_____ **1252.239-79, Authentication, Data Integrity, and Non-Repudiation.**

_____ **1252.239-80, Audit Record Retention for Cloud Service Providers.**

_____ **1252.239-81, Cloud Identification and Authentication (Organizational Users) Multi-Factor Authentication.**

_____ **1252.239-82, Identification and Authentication (Non-Organizational Users).**

_____ **1252.239-83, Incident Reporting Timeframes.**

_____ **1252.239-84, Media Transport.**

_____ **1252.239-85, Personnel Screening—Background Investigations.**

_____ **1252.239-86, Boundary Protection—Trusted Internet Connections.**

_____ **1252.239-87, Protection of Information at Rest.**

_____ **1252.239-88, Security Alerts, Advisories, and Directives.**

_____ **1252.239-89, Technology Modernization.**

_____ **1252.239-90, Technology Upgrades/Refreshment.**

_____ **1252.239-91, Records Management.**

_____ **1252.239-93, Information and Communication Technology Accessibility.**

_____ **1252.242-70, Dissemination of Information—Educational Institutions.**

_____ **1252.242-71, Contractor Testimony.**

_____ **1252.242-72, Dissemination of Contract Information.**

(End of clause)]

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