



**U.S. Department
of Transportation**

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

Office of the Secretary
of Transportation

SUBJECT: Class Deviation No. 2026-22 from the Transportation Acquisition Regulation for TAR Part 1222 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 1222 for the purpose of implementing, in the TAR, Federal Acquisition Regulation (FAR) Class Deviation (CD) (No. 2026-17 and 2026-24) for FAR part 22 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- Remove duplicative or outdated language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 22 model deviation text upon which this RFO TAR part 1222 deviation is based, establishes bedrock principles. The Department of Transportation (DOT) issued FAR CD 2026-17 for FAR part 22 on October 27, 2025, and FAR CD 2026-24 on April 24, 2026. Both documents can be accessed [here](#).

DOT also issued [TAR Class Deviation 2025-01](#), Transportation Acquisition Regulation (TAR) Class Deviation (CD) No. 2025-01 – Align the TAR with FAR Class Deviations and CAAC Letter 2025-01 Supplement 1 and CAAC Letter 2025-02 Supplement 1, on May 31, 2025.

To ensure alignment with recently issued E.O.s and the RFO FAR part CD, it is necessary to issue this updated 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 1222:

Change	Description
New/Retained/Updated	General – Retained as the coverage directly implements a specific statute and reflects agency standardized business processes for access to DOT facilities. Subpart 1222.1—Basic Labor Policies ○ 1222.101-1, Labor relations. No text. Updated numbering of section to align with RFO FAR 22.101-1. ○ 1222.101-170, Admittance of union representatives to DOT installations. Revised to conform with RFO. Updated numbering of section to align with RFO FAR 22.101-1. ○ 1222.101-171, Contract clauses. Streamlined text. Updated numbering of section to align with RFO FAR 22.101-1. • TAR Clause 1252.222-70, Strikes or Picketing Affecting Timely Completion of the Contract Work (JUN 2026)(RFO DEVIATION) – updated citation. • TAR Clause 1252.222-71, Strikes or Picketing Affecting Access to a DOT Facility (JUN 2026)(RFO DEVIATION) – updated citation and removed one “shall.”
Removed	General – Text has been revised/deleted in the sections below to remove non-statutory guidance. • Section 1222.101-170, Admittance of union representatives to DOT installations, paragraph (b). Removed paragraph (b) as internal reporting guidance to align with RFO FAR drafting principles. • Subpart 1222.8, Equal Employment Opportunity. Including underlying sections 1222.808 and 1222.810-70. Reflected as [Reserved] as original deviated via TAR CD 2025-01, May 31, 2025, to align with E.O.s and DOT-issued RFO FAR CDs pertaining to FAR part 1222.

- V. **Required Actions:** Contracting Officers shall follow the RFO TAR part 1222 deviation text, including the corresponding part 1252 deviation text, in lieu of TAR part 1222 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 1222.

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. 2026-17 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. With the publication of this CD, TAR CD 2025-01 (May 31, 2025) is partially rescinded pertaining to the content for TAR part 1222 and 1252 as it is incorporated in this updated CD covering the entirety of TAR part 1222.
- IX. **Point of Contact:** Questions or comments regarding this deviation may be directed to DOTAcquisitionPolicy@dot.gov.

Attachment:

- A. RFO TAR Part 1222 & Applicable Part 1252 Deviation Text – Bold/Bracketed/Line-in Line-Out (BB-LILO)

Transportation Acquisition Regulation (TAR) Class Deviation (CD) No. 2026-22

Attachment A

RFO TAR Part 1222 and 1252 Deviation Text

TAR Text Baseline is 48 CFR chapter 12 as of June 2, 2026.

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

Part 1222—Application Of Labor Laws to Government Acquisitions (RFO Deviation)

Subpart 1222.1—Basic Labor Policies

1222.101[-1] Labor relations.

1222.101-[-1]70 Admittance of union representatives to DOT installations.

1222.101-[-1]71 Contract clauses.

Subpart 1222.8—~~Equal Employment Opportunity~~ **[[RESERVED]]**

~~1222.808 Complaints.~~

~~1222.810-70 Contract clause.~~

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 1222— APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Subpart 1222.1—Basic Labor Policies

1222.101[-1] Labor relations.

1222.101-[-1]70 Admittance of union representatives to DOT installations.

(a) It is DOT policy to admit labor union representatives of contractor employees to DOT installations to visit work sites and transact labor union business with contractors, their employees, or union stewards pursuant to existing union collective bargaining agreements. Their presence **[should]** ~~shall~~ not interfere with the contractor's work progress under a DOT contract, nor violate the safety or security regulations that may be applicable to persons visiting the installation. The union representatives will not be permitted to conduct meetings, collect union dues, or make speeches concerning union matters while visiting a work site.

(b) ~~Whenever a union representative is denied entry to a work site, the person denying entry shall make a written report to the labor advisor for the applicable Operating Administration or to the DOT labor coordinator, the Office of the General Counsel, Office of General Law, within the Office of the Secretary of Transportation, within two working days after the request for entry is denied. The report shall include the reason(s) for the denial, the name of the representative denied entry, the union affiliation and number, and the name and title of the person that denied the entry.~~

1222.101-[-1]71 Contract clauses.

(a) ~~When applicable, the contracting officer may i~~**[I]**insert the clause at 1252.222-70, Strikes or Picketing Affecting Timely Completion of the Contract Work, in solicitations and contracts.

(b) ~~When applicable, the contracting officer may i~~**[I]**insert the clause at 1252.222-71, Strikes or Picketing Affecting Access to a DOT Facility, in solicitations and contracts.

Subpart 1222.8—~~Equal Employment Opportunity~~ [RESERVED]

1222.808 ~~Complaints.~~

~~Contractors shall, in good faith, cooperate with the Department of Transportation in investigations of Equal Employment Opportunity (EEO) complaints processed pursuant to [29 CFR part 1614](#) and in accordance with clause 1252.222-72 as prescribed in this subpart.~~

1222.810 ~~70 Contract clause.~~

~~The contracting officer shall insert the clause at 1252.222-72, Contractor Cooperation in Equal Employment Opportunity and Anti Harassment Investigations, in solicitations, contracts, and orders that include the clause at FAR 52.222-26, Equal Opportunity.~~

Part 1252 – Solicitation Provisions and Contract Clauses

Subpart 1252.2—Text of Provisions and Clauses

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1252.222-70 Strikes or Picketing Affecting Timely Completion of the Contract Work. (RFO Deviation)

1252.222-71 Strikes or Picketing Affecting Access to a DOT Facility. (RFO Deviation)

1252.222-72 [RESERVED] (RFO Deviation)

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

As prescribed in 1222.101-[1]71(a), insert the following clause:

**Strikes or Picketing Affecting Timely Completion of the Contract Work ~~(NOV 2022)~~
[(JUN 2026)][(RFO DEVIATION)]**

Notwithstanding any other provision hereof, the Contractor is responsible for delays arising out of labor disputes, including but not limited to strikes, if such strikes are reasonably avoidable. A delay caused by a strike or by picketing which constitutes an unfair labor practice is not excusable unless the Contractor takes all reasonable and appropriate action to end such a strike or picketing, such as the filing of a charge with the National Labor Relations Board, the use of other available Government procedures, and the use of private boards or organizations for the settlement of disputes.

(End of clause)

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

As prescribed in 1222.101-[1]71(b), insert the following clause:

**Strikes or Picketing Affecting Access to a DOT Facility ~~(NOV 2022)~~
[(JUN 2026)][(RFO DEVIATION)]**

If the Contracting Officer notifies the Contractor in writing that a strike or picketing—(a) Is directed at the Contractor or subcontractor or any employee of either; and (b) Impedes or threatens to impede access by any person to a DOT facility where the site of the work is located, the Contractor ~~shall~~ **[must]** take all appropriate action to end such strike or picketing, including, if necessary, the filing of a charge of unfair labor practice with the National Labor Relations Board or the use of other available judicial or administrative remedies.

(End of clause)

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1252.222-72 Contractor Cooperation in Equal Employment Opportunity and Anti-Harassment Investigations. [RESERVED] (RFO Deviation)

As prescribed in 1222.810-70, insert the following clause:

**~~Contractor Cooperation in Equal Employment Opportunity and Anti-harassment Investigations~~
(NOV 2022)**

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

~~Complaint~~ means a formal or informal complaint that has been filed with DOT management, DOT agency Equal Employment Opportunity (EEO) officials, the Equal Employment Opportunity Commission (EEOC), the Office of Federal Contract Compliance Programs (OFCCP) or a court of competent jurisdiction.

~~Contractor employee~~ means all current Contractor employees who work or worked under this contract. The term also includes current employees of subcontractors who work or worked under this contract. In the case of Contractor and subcontractor employees who worked under this contract, but who are no longer employed by the Contractor or subcontractor, or who have been assigned to another entity within the Contractor's or subcontractor's organization, the Contractor shall provide DOT with that employee's last known mailing address, email address, and telephone number, if that employee has been identified as a witness in an EEO or Anti-Harassment complaint or investigation.

~~Good faith cooperation~~ means, but is not limited to, making Contractor employees available, with the presence or assistance of counsel as deemed appropriate by the Contractor, for:

- ~~(1) Formal and informal interviews by EEO counselors, the OFCCP, or other Agency officials processing EEO or Anti-Harassment complaints;~~
- ~~(2) Formal or informal interviews by EEO investigators charged with investigating complaints of unlawful discrimination filed by Federal employees;~~
- ~~(3) Reviewing and signing appropriate affidavits or declarations summarizing statements provided by such Contractor employees during EEO or Anti-Harassment investigations;~~
- ~~(4) Producing documents requested by EEO counselors, EEO investigators, OFCCP investigators, Agency employees, or the EEOC in connection with a pending EEO or Anti-Harassment complaint; and~~
- ~~(5) Preparing for and providing testimony in depositions or in hearings before the Merit Systems Protection Board, EEOC, OFCCP, and U.S. District Court.~~

~~(b) Cooperation with investigations.~~ In addition to complying with the clause at FAR 52.222-26, Equal Opportunity, the Contractor shall, in good faith, cooperate with the Department of Transportation in investigations of EEO complaints processed pursuant to 29 CFR part 1614 and internal Anti-Harassment investigations.

~~(c) Compliance.~~ Failure on the part of the Contractor or its subcontractors to comply with the terms of this clause may be grounds for the Contracting Officer to terminate this contract for default or for cause in accordance with the termination clauses in the contract.

~~(d) Subcontract flowdown. The Contractor shall include the provisions of this clause in all subcontract solicitations and subcontracts awarded, at any tier, under this contract.~~

~~(End of clause)~~

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