



**U.S. Department
of Transportation**

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

Office of the Secretary
of Transportation

SUBJECT: Class Deviation No. 2026-27 from the Transportation Acquisition Regulation for TAR Part 1227 in Support of Executive Order 14275, Restoring Common Sense to Federal Procurement

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

**CHRISHAUN
PATRICE JONES**

Digitally signed by CHRISHAUN
PATRICE JONES
Date: 2026.10.06 23:02:16 -04'00'

TO: Department of Transportation Chiefs of the Contracting Offices

- I. Purpose:** This memorandum approves a class deviation to the Transportation Acquisition Regulation (TAR) part 1227 for the purpose of implementing, in the TAR, Federal Acquisition Regulation (FAR) Class Deviation (CD) (No. 2026-06) for FAR part 27 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- Remove duplicative or outdated language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 27 model deviation text upon which this RFO TAR part 1227 deviation is also based, establishes bedrock principles. The Department of Transportation (DOT) issued [FAR CD 2026-06](#) for FAR part 27 on October 1, 2025.

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 1227:

Change	Description
New/Retained/Updated	General – Updated TAR content and headings to align with RFO FAR Part 27. • Subpart 1227.3—Patent Rights Under Government Contracts – retained and updated with plain language. • 1227.304, Procedures. (No text/header only) • 1227.304-4, Appeals. ○ Paragraph (b). Removed contracting officer requirement to coordinate actions under this section with legal as internal guidance and unnecessary in the TAR to align with RFO drafting principles. ○ Generally removed more restrictive “shall” to “must” in appropriate situations in this section to align with RFO streamlining principles. ○ Removed a specific HCA determination formerly included in paragraph (c)(3)(i) as appropriate for internal guidance.
Removed	General – Text has been deleted in the subparts or sections below to remove non-statutory guidance. • Section 1227.305, Administration of patent rights clauses. (No text/header only) ○ FAR 27.305 is now reserved. ○ Removed as underlying section 1227.305-4 contains non-statutory information removed to align with RFO FAR part 27. ○ Best practices and procedural guidance were removed in the FAR and moved to the FAR Companion. • 1227.305-4, Protection of invention disclosures. ○ Best practices and procedural guidance were removed in the FAR and moved to the FAR Companion. ○ FC 27.3, Protection of invention disclosures, provides references to 37 CFR 401.13 for additional guidance. ○ Use of DD Form 882, Report of Inventions and Subcontracts, would still be permissible for DOT contractors, or using a form of their choosing. Coverage more appropriate for solicitation instructions.

V. Required Actions: Contracting Officers shall follow the RFO TAR part 1227 deviation text, in lieu of TAR part 1227 as codified at 48 CFR, chapter 12. The RFO TAR deviation text is shown in the Attachment.

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.

- 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. 2026-06 and as described below.
- 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 1227 Deviation Text – Bold/Bracketed/Line-in Line-Out (BB-LILO)

Transportation Acquisition Regulation (TAR) Class Deviation (CD) No. 2026-27

Attachment A

RFO TAR Part 1227 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 1227—Patents, Data, and Copyrights

Subpart 1227.3—Patent Rights Under Government Contracts

1227.304 Procedures.

1227.304-4 Appeals.

~~1227.305—Administration of patent rights clauses.~~

~~1227.305-4—Protection of invention disclosures.~~

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 1227—PATENTS, DATA, AND COPYRIGHTS

Subpart 1227.3—Patent Rights Under Government Contracts

1227.304 Procedures.

1227.304-4 Appeals.

(b) Contractors may appeal agency actions listed at FAR 27.304-4(a)(1), (3), and (4) to the cognizant H[h]ead of the C[c]ontracting A[a]ctivity (HCA). ~~Contracting officers shall coordinate actions under this section with the legal counsel of the responsible office.~~ The following procedures apply:

(1) Actions must be appealed within 30 days of receipt of the written statement issued by DOT required by FAR 27.304-4(a). The contractor must present all pertinent arguments in the appeal along with documentary evidence, if any.

(2) The HCA ~~shall~~**[will]** issue a determination within 45 days from the date the contractor's appeal is received.

(c) Contractor appeal of decisions rendered under FAR 27.304-4(a)(2) are subject to the following requirements:

(1) Actions must be appealed within 30 days of receipt of the written statement required by FAR 27.304-4(a). The contractor must present all pertinent arguments in the appeal along with documentary evidence, if any.

(2) The HCA may hold an informal hearing if deemed appropriate or at the request of the contractor. The informal hearing ~~shall~~ **[may]** be held after all fact-finding is completed.

(i) If a hearing is held, DOT ~~shall~~**[must]** provide for a transcribed record of the hearing unless transcription is waived as provided for in paragraph (c)(2)(ii) of this section. A copy of the transcript ~~shall~~**[will]** be available to the contractor at cost.

(ii) Transcription of the hearing may be waived by agreement of the parties.

(3) The HCA ~~shall~~**[must]** designate an impartial fact-finding official. The official conducting the fact-finding ~~shall~~**[must]** prepare findings of fact and transmit them to the HCA promptly after the conclusion of the fact-finding proceeding along with a recommended determination.

(i) A copy of the findings of fact ~~shall~~**[must]** be sent to the contractor (assignee or exclusive licensee) by mail, to the last known street address, the last known facsimile number, or the last known email address and to the contractor's identified counsel. The contractor (assignee or exclusive licensee) and agency representatives will be given 30

days to submit written arguments to the HCA; and, upon request by the contractor, oral arguments will be held before the HCA as part of an informal hearing. ~~The HCA will make the final determination as to whether the initial agency action was appropriate under the relevant laws and procedures (see 1227.304-4(c)).~~

(ii) Any portion of the informal hearing that involves testimony or evidence shall be closed to the public. Agencies shall not disclose any such information obtained during the appeal to persons outside the Government except when such release is authorized by the contractor (assignee or licensee).

(4) The HCA's final determination ~~shall~~**[will]** be based on the findings of facts, together with any other information and written or oral arguments submitted by the contractor (assignee or exclusive licensee) and agency representatives, and any other information in the administrative record. The HCA may reject only those facts that have been found clearly erroneous and must explicitly state the rejection and the basis for the contrary finding. The HCA ~~shall~~**[must]** provide the contractor (assignee or exclusive licensee) a written determination by certified or registered mail no later than 90 days after fact-finding is completed or no later than 90 days after oral arguments, whichever is later.

~~1227.305 Administration of patent rights clauses.~~

~~1227.305-4 Protection of invention disclosures.~~

~~Solicitations and contracts that include a patent rights clause must provide the contractor the means to report inventions made during contract performance and at contract completion. This requirement may be fulfilled by requiring the contractor to submit a Department of Defense DD Form 882, Report of Inventions and Subcontracts.~~
