



**U.S. Department
of Transportation**

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

Office of the Secretary
of Transportation

SUBJECT: Class Deviation No. 2026-33 from the Transportation Acquisition Regulation for TAR Part 1233 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

FROM: Chrishaun Jones
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Date: 2026.10.13 12:19:33
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TO: Department of Transportation Chiefs of the Contracting Offices

- I. Purpose:** This memorandum approves a class deviation to the Transportation Acquisition Regulation (TAR) part 1233 for purpose of implementing, in the TAR, Federal Acquisition Regulation (FAR) Class Deviation (CD) (No. 2025-25) for FAR part 33 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 on 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.”

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- Remove duplicative or outdated language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 33 model deviation text upon which this RFO TAR part 1233 deviation is also based, establishes bedrock principles. DOT issued [FAR CD 2025-25](#) for FAR part 33 on September 18, 2025.

To ensure alignment with issued EOs 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 1233:

Change	Description
New/Retained/Updated	General – Retained as the coverage directly implements a specific statute or unique agency requirements. Updated TAR content and headings to align with RFO FAR Part 33: TAR part 1233—Protests, Disputes, and Appeals • Subpart 1233.1—Protests ○ 1233.104-4, Other procedures. New. Addressed agency unique handling procedures for protests to the contracting officer and for requesting independent reviews at a level above the contracting officer as an appeal of the contracting officer’s protest decision. • Subpart 1233.2—Disputes and Appeals ○ 1233.205, Postaward. New. Added section/title header with no content to align with RFO FAR. ○ 1233.205-6, Contracting officer’s decision. Revised. Renumbered from “1233.211” to reflect the location in the updated FAR. ▪ Removed guidance duplicative to the FAR or the Civilian Board of Contract Appeals (CBCA), or more appropriate as internal agency guidance to align with RFO FAR drafting conventions. ▪ Added information on the CBCA and website. ○ 1233.205-8, Alternative dispute resolution (ADR). Revised. Renumbered from “1233.214” to comport with the updated FAR. ▪ Paragraphs (c) and (d) were also removed as noted below; paragraphs (a) and (d) then were appropriately redesignated to align with RFO FAR 33.205-8.
Removed	General – Text has been revised/deleted in the subpart/section below to remove non-statutory guidance. • Subpart 1233.1—Protests ○ 1233.103, Protests to agency. Removed as content is appropriate for internal agency guidance. ○ 1233.104, Protests to GAO. Removed as content is appropriate for internal agency guidance. Agency content on ADR moved to 1233.205-8, Alternative dispute resolution (ADR). • Subpart 1233.2—Disputes and Appeals ○ 1233.211, Contracting officer’s decision. ▪ Removed paragraphs (a)(4)(v) as the content is duplicative to the FAR or CBCA procedures or is more appropriate to internal agency procedures. ○ 1233.214, Alternative dispute resolution (ADR). ▪ Removed paragraphs (c) and (d) as duplicative or appropriate to internal agency procedures.

- V. Required Actions:** Contracting Officers shall follow the RFO TAR part 1233 deviation text, in lieu of TAR part 1233 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 OAs, OST, and OIG, excluding the 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 based on this CD 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. 2025-25.
- VIII. Expiration Date:** This CD will remain in effect until it is incorporated into the TAR 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 1233 & Applicable Part 1252 Deviation Text – Bold/Bracketed/Line-in Line-Out (BB-LILO)

Transportation Acquisition Regulation (TAR) Class Deviation (CD) No. 2026-33

Attachment A

RFO TAR Part 1233 and 1252 Deviation Text

TAR Text Baseline is 48 CFR chapter 12 as of June 22, 2026.

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

Part 1233—Protests, Disputes, and Appeals

Subpart 1233.1—Protests

[1233.103 General.

1233.104-4 Other procedures.]

~~1233.103 Protests to the agency.~~

~~1233.104 Protests to GAO.~~

Subpart 1233.2—Disputes and Appeals

[1233.205 Postaward.

1233.205-6 Contracting officer's decision.

1233.205-8 Alternative dispute resolution (ADR).]

~~1233.211 Contracting officer's decision.~~

~~1233.214 Alternative dispute resolution (ADR).~~

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 1233— PROTESTS, DISPUTES, AND APPEALS

Subpart 1233.1—Protests

~~1233.103 Protests to the agency.~~

~~(c) DOT Operating Administrations (OAs) shall consider the use of alternative dispute resolution (ADR) in all agency protest actions.~~

~~1233.104 Protests to GAO.~~

~~The protest process at the Government Accountability Office (GAO) may include ADR assistance by GAO. The contracting officer shall, with advice of counsel, explore the possibility of using ADR for all GAO protests.~~

[1233.104-4 Other procedures.

(a) *General.*

(4)(i) Protests to the contracting officer must be submitted in writing, and in accordance with the instructions provided in the solicitation.

(5)(i) A protester may request an independent review by an official a level above the contracting officer, as an appeal of the contracting officer's protest decision. The request must be submitted in accordance with the solicitation instructions and addressed to the official designated to conduct the independent review.

(ii)(A) An independent review under paragraph (a)(5)(i) of this section is not available if the protestor has a protest pending before the contracting officer that raises the same or substantially similar issues.

(B) After receiving a request for independent review, the contracting officer must provide the protester with a redacted copy of the source selection decision within a reasonable time, as required by FAR 33.104-4(a)(5)(ii)(B).

(C) The protester may submit a supplemental statement to the designated independent review official identified in the solicitation based on the documents provided by the contracting officer, subject to the timeline requirements at FAR 33.104-2 and 33.104-3. The protester must submit the supplemental statement by email to the independent review official and send a copy by email to the contracting officer on the same day.]

Subpart 1233.2—Disputes and Appeals

[1233.205 Postaward.]

1233.211[205-6] Contracting officer's decision.

(a)

(4) [(ii) For DOT contracts, the Board of Contract Appeals (BCA) referenced in FAR 33.205-6 is the Civilian Board of Contract Appeals (CBCA). Filing instructions are available on the CBCA website at <https://www.cbca.gov>.]

~~(v) In accordance with FAR 33.211(a)(4)(i) through (vi), contracting officers shall include in a statement of the contracting officer's decision referenced at FAR 33.211(a)(4)(iv), paragraphs substantially as follows:~~

~~“This is the final decision of the Contracting Officer. You may appeal this decision to the Civilian Board of Contract Appeals. If you decide to appeal, you must, within 90 days from the date you receive this decision, mail or otherwise furnish written notice to the Civilian Board of Contract Appeals as set forth below and provide a copy to the Contracting Officer from whose decision this appeal is taken. The notice shall indicate that an appeal is intended, reference this decision, and identify the contract by number.~~

~~*Where to File:* All filings must be submitted to the Clerk of the Board. Filings shall be to Civilian Board of Contract Appeals, 1800 F Street NW, Washington, DC 20405 in any of the ways as set forth at their website at <https://cbca.gov/howto/index.html>.~~

~~With regard to appeals to the Civilian Board of Contract Appeals, you may, solely at your election, proceed under the board's—~~

~~(1) Small claim procedure for claims of \$50,000 or less or, in the case of a small business concern (as defined in the Small Business Act and regulations under that Act), \$150,000 or less; or~~

~~(2) Accelerated procedure for claims of \$100,000 or less.~~

~~Instead of appealing to the Civilian Board of Contract Appeals, you may bring an action directly in the United States Court of Federal Claims (except as provided in [41 U.S.C. 7102\(d\)](#), regarding Maritime Contracts) within 12 months of the date you receive this decision.”~~

1233.214 [1233.205-8] Alternative dispute resolution (ADR).

[(a) Guidance on ADR is available on the CBCA website at <https://www.cbca.gov/>. See 48 CFR 6101.54.]

~~(c) The Administrative Dispute Resolution Act (ADRA) of 1990, Public Law 101-552, as reauthorized by the Administrative Dispute Resolution Act (ADRA) of 1996, [Public Law 104-320](#), authorizes and encourages agencies to use mediation, conciliation, arbitration, and other techniques for the prompt and informal resolution of disputes, either before or after appeal, and for other purposes. ADR procedures may be used when—~~

~~(1) There is mutual consent by the parties to participate in the ADR process (with consent being obtained either before or after an issue in controversy has arisen); and either~~

~~(2) Prior to the submission of a claim; or~~

~~(3) In resolution of a formal claim.~~

~~(d)~~

~~(1) Use of ADR shall be coordinated with counsel. For all matters filed with the Civilian Board of Contract Appeals (CBCA), the CBCA Alternate Dispute Resolution (ADR) procedures contained in [48 CFR 6101.54](#) shall be followed.~~

(2[d]) For other matters, pursuant to the Administrative Dispute Resolution Act (ADRA), DOT has appointed a Dispute Resolution Specialist, who is responsible for the operations of the Center for Alternative Dispute Resolution. The Center may provide an internal DOT neutral agreeable to the parties to conduct any of the alternative means of dispute resolution set forth in the ADRA, [5 U.S.C. 571\(3\)](#), on a non-reimbursable basis for DOT operating administrations and their contracting partners. Alternative means of dispute resolution include settlement negotiations, conciliation, facilitation, mediation, fact-finding, mini-trials, and arbitration, or any combination of these methods. The Center may also arrange for an external public or private neutral at the parties' expense **[(see FAR 33.205-8(e))]**.
