U.S. Department of Transportation

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

Office of the Secretary of Transportation

SUBJECT: Class Deviation No. 2026-19 from the Transportation Acquisition Regulation for TAR Part 1219 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

FROM: Chrishaun Jones
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Date: 2026.11.02 17:57:46 -05'00'

TO: Department of Transportation Chiefs of the Contracting Offices

I. Purpose: This memorandum approves a class deviation to the Transportation Acquisition Regulation (TAR) part 1219 for purpose of implementing, in the TAR, Federal Acquisition Regulation (FAR) Class Deviation (CD) (No. 2026-21) for FAR part 19 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- Remove duplicative or outdated language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 19 model deviation text upon which this RFO TAR part 1219 deviation is also based, establishes bedrock principles. DOT issued FAR CD 2026-21 for FAR part 19 on November 14, 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 1219:

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 19: **TAR part 1219—Small Business Programs** • **Subpart 1219.1—Presolicitation** o 1219.102, Coordination. New. ▪ Added agency information on the Director, Office of Small and Disadvantaged Business Utilization (OSDBU), that the Director is responsible for implementation and execution of programs to assist all categories of small businesses pursuant to the Small Business Act. o 1219.102-70, DOT Small Business Specialists. New. ▪ Added information that small business specialists may assist the OSDBU Director in carrying out responsibilities. Provided a link to a list of DOT small business specialists. o 1219.108, Contracting With the Small Business Administration (the 8(a) Program). New. ▪ Content revised and moved from subpart 1219.8 to align with the new RFO FAR 19.108 placement. ▪ Added information on the SBA and DOT Partnership Agreement (PA) and provided link to procedures. • **Subpart 1219.70—DOT Mentor-Protégé Program** – Retained as it provides policy on DOT's program. o 1219.7000, General. ▪ Made minor administrative edits to comport with RFO FAR drafting principles and guidance. o 1219.7001, Policy. New. ▪ Moved text from paragraph (c) under a new paragraph (a) (formerly paragraph (b) under 1219.7000. ▪ Moved existing text from 1219.7000, paragraphs (b), (c) (partial), (e) and (f). Revised to RFO FAR drafting principles.
Removed	General – Text has been revised/deleted in the subpart/section below to remove non-statutory guidance. • **Subpart 1219.2—Policies** – Removed including underlying sections as the information is removed from the FAR and the material is now considered more appropriate to internal agency guidance. o 1219.201, General policy. Moved the list of SBS specialists to 1219.102-70. o 1219.201-70, Procurement goals for small business. o 1219.202, Specific policies. o 1219.202-70, Procurement Forecast.

	• **Subpart 1219.4—Cooperation With the Small Business Administration (the 8(a) Program)** – Removed including underlying section as the related content previously here is removed from the FAR. The material is now considered more appropriate to internal agency guidance. o RFO FAR removed this separate subpart. Coverage now under RFO FAR 19.108. FAR adequately covers. • **Subpart 1219.5—Set-Asides for Small Business** – Removed including underlying sections as the related content previously here is removed from the FAR. The material is now considered more appropriate to internal agency guidance. Coverage in FAR moved to FAR 19.104. o 1219.501, General. Suitable for internal agency procedures. Adequately addressed in the FAR. Procedures on use of DOT Form 4250.1 addressed in internal agency guidance. o 1219.502-8, Rejecting Small Business Administration recommendations. ▪ Coverage now under FAR 19.102(f). Internal coordination requirements more appropriate to agency internal procedures and guidance to comport with RFO FAR drafting guidance. o 1219.502-9, Withdrawing or modifying small business set-asides. ▪ Appropriate for internal agency guidance rather than regulation. • **Subpart 1219.7—The Small Business Subcontracting Program –** Removed including underlying section as the related content previously here is removed from the FAR. The material is now considered more appropriate to internal agency guidance. o 1219.705, Responsibilities of the contracting officer under the subcontracting assistance program. ▪ Removed this title/header with no text. This subpart removed from the FAR. o **1219.705-6, Postaward responsibilities of the contracting officer.** ▪ Aligned content removed from the FAR in this subpart. ▪ More appropriate to internal agency procedures. Content on this subject now at FAR 19.302-3, Other postaward responsibilities. FAR coverage does not need to be supplemented in the TAR. ▪ Note: eSRS is now the Subcontracting Plan Reporting (SPR) - electronic subcontracting reporting system (see FAR 19.001). More appropriate as internal agency procedures. • **Subpart 1219.8—Contracting With the Small Business Administration (the 8(a) Program) –** Removed from the RFO FAR including underlying section as the related content previously here is removed from the FAR. The material is now considered more appropriate to internal agency guidance. o Coverage for 8(a) Program now under FAR 19.108 and new 1219.108, Contracting With the Small Business Administration (the

	8(a) Program) and content and references updated and moved to new subpart 1219.1 accordingly.

V. **Required Actions:** Contracting Officers shall follow the RFO TAR part 19 deviation text, in lieu of TAR part 1219 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 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. 2026-21.

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 1219 Deviation Text – Bold/Bracketed/Line-in Line-Out (BB-LILO)

Transportation Acquisition Regulation (TAR) Class Deviation (CD) No. 2026-19

Attachment A

RFO TAR Part 1219 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.

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Part 1219—Small Business Programs

[Subpart 1219.1—Presolicitation
1219.102 Coordination.
1219.102-70 DOT Small Business Specialists
1219.108 Contracting With the Small Business Administration (the 8(a) Program)]

~~**Subpart 1219.2—Policies**~~
~~1219.201 General policy.~~
~~1219.201-70 Procurement goals for small business.~~
~~1219.202 Specific policies.~~
~~1219.202-70 Procurement Forecast.~~

~~**Subpart 1219.4—Cooperation With the Small Business Administration**~~
~~1219.401 General.~~

~~**Subpart 1219.5—Set-Asides for Small Business**~~
~~1219.501 General.~~
~~1219.502-8 Rejecting Small Business Administration recommendations.~~
~~1219.502-9 Withdrawing or modifying small business set-asides.~~

~~**Subpart 1219.7—The Small Business Subcontracting Program**~~
~~1219.705 Responsibilities of the contracting officer under the subcontracting assistance program.~~
~~1219.705-6 Postaward responsibilities of the contracting officer.~~

~~**Subpart 1219.8—Contracting With the Small Business Administration (the 8(a) Program)**~~
~~1219.800 General.~~
~~1219.815 Release for non-8(a) procurement.~~

Subpart 1219.70—DOT Mentor-Protégé Program
1219.7000 General.
[1219.7001 Policy.]

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 1219—SMALL BUSINESS PROGRAMS

[Subpart 1219.1—Presolicitation

1219.102 Coordination.

(a) The Director, Office of the Small and Disadvantaged Business Utilization (OSDBU) (see https://www.transportation.gov/osdbu) is responsible for the implementation and execution of programs to assist all categories of small businesses as required by the Small Business Act.

1219.102-70 DOT Small Business Specialists.

Small Business Specialists (SBS) may assist the OSDBU Director in carrying out responsibilities pursuant to FAR 19.103(g). A list of DOT SBS is provided at *https://www.transportation.gov/osdbu/procurement-assistance/talk-dot-small-business-specialist*.

1219.108 Contracting With the Small Business Administration (the 8(a) Program).

(d) The Small Business Administration (SBA) and Department of Transportation (DOT) have entered into a Partnership Agreement (PA) delegating SBA's contract execution and administrative functions to DOT. Contracting officers shall follow the alternate procedures in this section, as applicable, to award 8(a) contracts under the PA. (See https://www.transportation.gov/osdbu/partnership-agreement-between-us-small-business-administration-and-us.)

(1) The SBA delegates only the authority to sign contracts on its behalf. Consistent with the provisions of the PA, the SBA remains the prime contractor on all 8(a) contracts, continues to determine eligibility of concerns for contract award, and retains appeal rights under FAR 19.108-9.

(2) The PA sets forth the delegation of authority and establishes the basic procedures for expediting the award of 8(a) contract requirements as reflected in this section and FAR 19.108.

(3) Contracts awarded under the PA may be awarded directly to the 8(a) participant on either a sole source or competitive basis. An SBA signature on the contract is not required.]

~~**Subpart 1219.2—Policies**~~

~~**1219.201 General policy.**~~

(c) The Director, Office of Small and Disadvantaged Business Utilization (OSDBU) shall be a member of the Senior Executive Service and appointed by the Secretary of Transportation. (15 U.S.C. 637, 644, and 657)

(d) The responsible HCA for each OA shall appoint a Small Business Specialist (SBS). The SBS will assist the OSDBU Director in carrying out the functions and duties prescribed in FAR 19.201(d). A list of DOT SBS is provided at OSDBU's website at *https://www.transportation.gov/osdbu/procurement-assistance/talk-dot-small-business-specialist*.

1219.201-70 Procurement goals for small business.

As required by the Small Business Act, the Secretary shall establish annual goals for small business participation in DOT contracts and subcontracts. Each contracting activity in consultation with the OSDBU on behalf of the Secretary shall establish annual goals that present, for that activity, the maximum practicable opportunity for small business concerns to participate in the performance of the activity's contracts and subcontracts.

1219.202 Specific policies.

OSDBU is responsible for reviewing procurement strategies and subcontracting efforts, establishing review thresholds and making recommendations to further the implementation of this part. The OSDBU Director may waive review of certain classes of acquisitions that the Director identifies as providing limited or no opportunity for small business participation or may delegate review of such acquisitions to the OA Small Business Specialists.

1219.202-70 Procurement Forecast.

The OSDBU shall prepare and maintain DOT's Procurement Forecast in coordination with DOT Operating Administrations. The forecast will be published every year on or before October 1st and can be found at *https://www.transportation.gov/osdbu/procurement-forecast/summary*. Contracting officers and small business specialists will work with the OSDBU to maintain accurate procurement forecast information.

Subpart 1219.4 – Cooperation With the Small Business Administration

1219.401 General.

(a) The OSDBU Director will be the primary point of contact with the U.S. Small Business Administration and facilitate the formulation of policies to ensure maximum practicable opportunities are available to small business concerns in prime and subcontracting opportunities.

Subpart 1219.5—Set-Asides for Small Business

1219.501 General.

(a) Contracting officers shall set aside to small business concerns acquisitions of supplies or services that have an anticipated dollar value above the micro-purchase threshold but not exceeding the simplified acquisition threshold, as prescribed at FAR 13.003(b)(1). Contracting officers shall set aside proposed acquisitions exceeding the simplified acquisition threshold for small business concerns unless it is determined there is not a reasonable expectation of obtaining offers from two or more responsible small business concerns that are competitive in terms of market prices, quality, and delivery (*see* FAR 19.502-2). Contracting officers will document their determination utilizing the DOT Form 4250.1, which will include the results of the market research performed, including justifications.

1219.502-8 Rejecting Small Business Administration recommendations.

(a) If the contracting officer rejects a recommendation of the SBA procurement center representative, the contracting officer will coordinate with the OSDBU to submit a written notice to the SBA within 5 working days of the contracting officer's receipt of the recommendation.

1219.502-9 Withdrawing or modifying small business set-asides.

(a) If the contracting officer makes a determination before contract award that a set-aside is disadvantageous to the public interest, withdrawal of an individual small business set-aside shall be initiated by giving written notice to the small business specialist, the SBA procurement center representative and the OSDBU stating the reasons for withdrawal.

(b) If the agency small business specialist does not agree to a withdrawal or modification, the case shall be referred to the COCO for review prior to consulting with the assigned SBA representative. The contracting officer shall follow the documentation requirements of FAR 19.506(c).

Subpart 1219.7—The Small Business Subcontracting Program

1219.705 Responsibilities of the contracting officer under the subcontracting assistance program.

1219.705-6 Postaward responsibilities of the contracting officer.

(f) The Office of Small and Disadvantaged Business Utilization (S-40) is responsible for acknowledging receipt of, or rejecting, the Summary Subcontract Report (SSR) in the Electronic Subcontracting Reporting System (eSRS).

~~**Subpart 1219.8—Contracting With the Small Business Administration (the 8(a) Program)**~~

~~**1219.800 General.**~~

~~(e) The Small Business Administration (SBA) and Department of Transportation (DOT) have entered into a Partnership Agreement (PA) delegating SBA's contract execution and administrative functions to DOT. Contracting officers shall follow the alternate procedures in this subpart, as applicable, to award 8(a) contracts under the PA. (*See https://www.transportation.gov/sites/dot.dev/files/docs/Department%20of%20Transportation_Partnership%20Agreement.pdf*.)~~

~~(1) The SBA delegates only the authority to sign contracts on its behalf. Consistent with the provisions of the PA, the SBA remains the prime contractor on all 8(a) contracts, continues to determine eligibility of concerns for contract award, and retains appeal rights under FAR 19.810.~~

~~(2) The PA sets forth the delegation of authority and establishes the basic procedures for expediting the award of 8(a) contract requirements as reflected in this subpart.~~

~~(3) Contracts awarded under the PA may be awarded directly to the 8(a) participant on either a sole source or competitive basis. An SBA signature on the contract is not required. *See* FAR 19.811-3 for contract clauses to use.~~**~~1219.815 Release for non-8(a) procurement.~~**

~~(b) Contracting officers requesting the release of a requirement for a non-8(a) procurement will follow procedures prescribed at FAR 19.815 and submit requests through the DOT OSDBU Director. The OSDBU Director will submit the request to SBA's Associate Administrator for Business Development for consideration.~~

Subpart 1219.70—DOT Mentor-Protégé Program

1219.7000 General.

(a) The ~~Small Business Administration~~ **[(SBA)]** provides general oversight to Federal mentor-protégé programs. ~~However,~~ DOT ~~has~~**[developed]** its own program tailored to assist small business concerns in the transportation industry to enhance their capability to compete for Federal procurement opportunities. The program is administered by the DOT ~~Office of Small and Disadvantaged Business Utilization (~~OSDBU~~)~~ at *https://www.transportation.gov/osdbu/procurement-assistance/mentor-protege-pilot-program*.

[1219.7001 Policy.]

(**[a]**~~b~~) Small business concerns and large DOT prime contractors are encouraged to participate in the ~~Department's~~ **[DOT's]** Mentor-Protégé Program. Mentor firms provide eligible small business Protégé firms with developmental assistance to enhance their business capabilities and ability to obtain Federal contracts. **[Mentor firms are eligible small businesses and large DOT prime contractors or other socioeconomic firms capable of providing developmental**

assistance. Protégé firms are small businesses as defined in 13 CFR part 121. Developmental assistance is technical, managerial, financial, and other mutually beneficial assistance that assists Protégé firms.]

~~(c) Mentor firms are eligible small businesses and large DOT prime contractors or other socioeconomic firms capable of providing developmental assistance. Protégé firms are small businesses as defined in 13 CFR part 121. (d) Developmental assistance is technical, managerial, financial, and other mutually beneficial assistance that assists Protégé firms.~~

[(b)] The costs for developmental assistance will not be reimbursed to the Mentor firm.

(~~e~~**[c]**) Mentor and Protégé firms ~~shall~~**[must]** submit an evaluation of the overall experience in the program to OSDBU at the conclusion of the agreement or the voluntary withdrawal by either party from the program, whichever occurs first. At the end of each year, ~~the~~ Mentor and Protégé firms ~~will~~ submit a report regarding program accomplishments under their **[approved]** agreement.

(~~f~~**[d]**) Mentor or Protégé firms ~~shall~~**[must]** notify OSDBU in writing, at least 30 calendar days in advance of the effective date of the firm's withdrawal from the program.