U.S. Department of Transportation

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

Office of the Secretary of Transportation

SUBJECT: Class Deviation No. 2026-37 from the Transportation Acquisition Regulation for TAR Part 1237 in Support of Executive Order 14275, Restoring Common Sense to Federal Procurement

FROM: Chrishaun Jones
Senior Procurement Executive
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CHRISHAUN PATRICE JONES Digitally signed by CHRISHAUN PATRICE JONES Date: 2026.11.02 17:55:23 -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 1237 for the purpose of implementing, in the TAR, Federal Acquisition Regulation (FAR) Class Deviation (CD) (No. 2026-10) for FAR part 37 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- Remove duplicative or outdated language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 37 model deviation text upon which this RFO TAR part 1237 deviation is based, establishes bedrock principles. The Department of Transportation (DOT) issued FAR CD 2026-10 for FAR part 37 on October 24, 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 1237:

Change	Description
New/Retained/ Updated	General – Retained as the coverage directly implements a specific statute. Updated TAR content and headings to align with RFO FAR Part 37: **TAR Part 1237—Service Contracting** • **TAR subpart 1237— Other Service Considerations.** New. o Added new subpart to align with similar clause treatment for miscellaneous service contracting-related clauses at FAR 37.802-5. o 1237.802-70, Key personnel. Added needed underlying policy for use of the prescribed Key Personnel clause. o 1237.3802-570, Contract clauses. ▪ Added a new supplemental clause to prescribe two clauses moved from the removed subpart 1237.1. ▪ Aligns with RFO FAR drafting guidance and updated prescription style and format. • **TAR subpart 1237.70—Procedures for Acquiring Training Services.** Retained and updated to RFO drafting standards; made minor administrative and grammatical revisions, including underlying sections below: o 1237.7000, Policy. o 1237.7001, Certification of data. o 1237.7002, Applicability. o 1237.7003, Solicitation provision and contract clause. Moved the prescriptions for the provision and clause into separate paragraphs. Updates and revises the following solicitation provisions and contract clauses to reflect new RFO FAR drafting style and updated citations for clarity: • **TAR clause 1252.237-70, Qualifications of Contractor Employees**. [(SEP 2026) (RFO DEVIATION)] • **TAR provision 1252.237-71, Certification of Data**. [(SEP 2026) (RFO DEVIATION)] • **TAR clause1252.237-72, Prohibition on Advertising**. [(SEP 2026) (RFO DEVIATION)] • **TAR clause 1252.237-73, Key Personnel**. [(SEP 2026) (RFO DEVIATION)]
Removed	General – Text has been revised/deleted in the subpart/section below to remove non-statutory guidance. • **Subpart 1237.1— Service Contracts—General.** Removed, including underlying section:

	○ 1237.110-70, Contract clauses. ○ The text subject matter and content are no longer aligned with or covered in the RFO FAR part. ○ Prescription for clauses moved to align with new RFO FAR subpart 37.8, Other Service Considerations.

V. Required Actions: Contracting Officers shall follow the RFO TAR part 1237 deviation text, including the corresponding part 1252 deviation text, in lieu of TAR part 1237 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 1237.

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 **(SEP 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. 2026-10.

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 1237 & Applicable Part 1252 Deviation Text – Bold/Bracketed/Line-in Line-Out (BB-LILO)

Transportation Acquisition Regulation (TAR) Class Deviation (CD) No. 2026-37

Attachment A

RFO TAR Part 1237 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.

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Part 1237—Service Contracting (RFO DEVIATION)

~~**Subpart 1237.1—Service Contracts—General**~~
~~1237.110-70 Contract clauses.~~

[Subpart 1237.8—Other Service Considerations
1237.802-70 Key personnel.
1237.802-570 Contract clauses.]

Subpart 1237.70—Procedures for Acquiring Training Services
1237.7000 Policy.
1237.7001 Certification of data.
1237.7002 Applicability.
1237.7003 Solicitation provision and 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 1237—SERVICE CONTRACTING [(RFO DEVIATION)]

~~**Subpart 1237.1—Service Contracts—General**~~

~~**1237.110-70 Contract clauses.**~~

~~(a) The contracting officer shall insert the clause at 1252.237-70, Qualifications of Contractor Employees, in all solicitations and contracts for services where contractor employees will have access to Government facilities and sensitive information, including proprietary data and/or resources.~~

~~(b) The contracting officer shall insert the clause at 1252.237-73, Key Personnel, in solicitations and contracts for services when the selection for award is substantially based on the offeror's possession of special capabilities regarding personnel.~~

[Subpart 1237.8—Other Service Considerations

1237.802-70 Key personnel.

Contracting officers may require offerors to identify proposed key personnel when the contracting officer determines that certain qualifications, experience, availability, commitment, or continuity of specified individuals or positions is material to successful contract performance or to the source-selection decision. During contract performance contractors must request key personnel substitution requests in writing before diverting or replacing personnel deemed as key personnel.

1237.802-570 Contract clauses.

(a) Insert the clause at 1252.237-70, Qualifications of Contractor Employees, in all solicitations and contracts for services where contractor employees will have access to Government facilities and sensitive information, including proprietary data and/or resources.

(b) Insert the clause at 1252.237-73, Key Personnel, in solicitations and contracts when key personnel must be identified and when the contract award decision is based in part on the expertise of the named personnel.]

Subpart 1237.70—Procedures for Acquiring Training Services

1237.7000 Policy.

When training services are provided under contract, DOT ~~policy~~ requires that all prospective contractors**[—]**~~:~~

(a) Certify that the data provided concerning company qualifications, background statements, and resumes, for example, is current, accurate, and complete; and

(b) Agree to not solicit or advertise private, non-Government training while conducting a training course.

1237.7001 Certification of data.

~~Towards fulfilling DOT's policy at 1237.7000(a),~~ **[C]**~~c~~ontracting officers ~~shall~~ **[will]** request information from prospective contractors for certification purposes. The type of information requested is dependent upon the criticality of the service and/or any unique or essential qualification requirements.

1237.7002 Applicability.

The policy at 1237.7000 applies to all contracts (**[see]**~~as defined in~~ FAR 2.101) awarded by DOT for training services when DOT controls the content and/or presentation of the course. This policy does not apply to courses attended by DOT employees that are offered and sponsored by Government sources of supply, educational institutions, or private entities where DOT does not control the course content or presentation ~~(*see* 1213.7100 for examples)~~.

1237.7003 Solicitation provision and contract clause.

(a) ~~The contracting officer shall i~~**[I]**nsert the provision at 1252.237-71, Certification of Data, in solicitations.

[(b) Insert] ~~and~~ the clause at 1252.237-72, Prohibition on Advertising, in solicitations and contracts for training services when the content and/or presentation of the course is controlled by DOT.

(~~b~~**[c]**) The contracting officer shall incorporate the successful offeror's certified data into any resultant contract(s). Certified data may be adopted by reference, if the contracting officer determines it contains sufficient descriptive information (*i.e.,* dated material such as resumes, company and/or personnel qualifications) to reliably describe the certified data submitted.

Part 1252 – Solicitation Provisions and Contract Clauses (RFO Deviation)

Subpart 1252.2—Text of Provisions and Clauses

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1252.237-70 Qualifications of Contractor Employees. **[(SEP 2026) (RFO DEVIATION)]**
1252.237-71 Certification of Data. **[(SEP 2026) (RFO DEVIATION)]**
1252.237-72 Prohibition on Advertising. **[(SEP 2026) (RFO DEVIATION)]**
1252.237-73 Key Personnel. **[(SEP 2026) (RFO DEVIATION)]**

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Subpart 1252.2—Text of Provisions and Clauses

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1252.237-70 Qualifications of Contractor Employees.

As prescribed in ~~1237.110-70(a)~~**[1252.237-70]**, insert the following clause:

Qualifications of Contractor Employees (~~NOV 2022~~[SEP 2026])[(RFO DEVIATION)]

(a) *Definition.*

[As used in this clause—]

Sensitive information~~, as used in this clause,~~ means any information that is proprietary data or, if subject to unauthorized access, modification, loss, or misuse, could adversely affect the national interest, the conduct of Federal programs, or the privacy of individuals specified in The Privacy Act, 5 U.S.C. 552a, but has not been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept secret in the interest of national defense or foreign policy.

(b) Work under this contract may involve access to DOT facilities or sensitive information or resources (*e.g.,* information technology including computer systems). To protect sensitive information, which shall not be disclosed by the contractor unless authorized in writing by the Contracting Officer, the Contractor ~~shall~~ **[is required to]** provide training to any contractor employees **[or subcontractors]** authorized to access sensitive information, and upon request of the Government, provide information to assist the Government in determining an individual's suitability to have authorization.

(c) The Contracting Officer may require dismissal from work under this contract of those employees deemed incompetent, careless, insubordinate, unsuitable, or otherwise objectionable, or whose continued employment is deemed contrary to the public interest or inconsistent with the best interest of national security.

(d) Contractor employees working on this contract must complete such forms as may be necessary for security or other reasons, including the conduct of background investigations to determine suitability. **[Submit]** ~~C~~**[c]**ompleted forms ~~shall be submitted~~ as directed by the Contracting Officer. Upon the Contracting Officer's Representative ~~(COR)~~ or Program Manager's ~~(PM)~~ request, the Contractor's employees **[must provide]** fingerprint~~ed~~**[s]** or **[may be]** subject to other investigations as required.

(e) The Contractor shall ensure that contractor employees working on this contract are citizens of the United States of America or non-citizens who have been lawfully admitted for permanent residence or employment (indicated by immigration status) as evidenced by U.S. Citizenship and Immigration Services (USCIS) documentation.

(f) Subcontract**[s]** ~~flow-down requirement~~. **[The Contractor shall include the substance of this clause, including this paragraph (f), in subcontracts at any tier]** ~~The Contractor shall include this clause, including this paragraph (f), in subcontracts whenever this clause is included in the prime contractor's contract.~~

(End of clause)

1252.237-71 Certification of Data.

As prescribed in 1237.7003**[(a)],** insert the following provision:

Certification of Data (~~NOV 2022~~[SEP 2026]) [(RFO DEVIATION)]

(a) The offeror represents and certifies that to the best of its knowledge and belief, the information and/or data (*e.g.,* company profile; qualifications; background statements; brochures) submitted with its offer is current, accurate, and complete as of the date of its offer.

(b) The offeror understands that any inaccurate data provided to the Department of Transportation may subject the offeror, its subcontractors, its employees, or its representatives to: (1) prosecution for false statements pursuant to 18 U.S.C. 1001 and/or; (2) enforcement action for false claims or statements pursuant to the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801-3812 and 49 CFR part 31 and/or; (3) termination for default or for cause under any contract resulting from its offer and/or; (4) debarment or suspension.

(c) The offeror agrees to obtain a similar certification from its subcontractors and submit such certification(s) with its offer.

Signature:

Date:

Typed Name and Title:

Company Name:

This certification concerns a matter within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under 18 U.S.C. 1001.

[(d) The Contractor shall include the substance of this clause, including this paragraph (b), in subcontracts at any tier.]

(End of provision)

1252.237-72 Prohibition on Advertising.

As prescribed in ~~1213.7101 and~~ 1237.7003**[(b)]**, insert the following clause:

Prohibition on Advertising (~~NOV 2022~~[SEP 2026]) [(RFO DEVIATION)]

[(a)] The contractor or its representatives (including training instructors) ~~shall~~**[may]** not advertise or solicit business from attendees for private, non-Government training during contracted-for training sessions. This prohibition extends to unsolicited oral comments, distribution or sales of written materials, and/or sales of promotional videos or audio tapes. ~~The contractor agrees to insert this clause in its subcontracts.~~

[(b) The Contractor shall include the substance of this clause, including this paragraph (b), in subcontracts at any tier.]

(End of clause)

1252.237-73 Key Personnel.

As prescribed in ~~1237.110-70(b)~~**[1237.802-570(b)]**, insert the following clause:

Key Personnel (~~NOV 2022~~[SEP 2026]) [(RFO DEVIATION)]

(a) The personnel as specified below are considered essential to the work being performed under this contract and may, with the consent of the contracting parties, be changed during the course of the contract by adding or deleting personnel, as appropriate.

(b) Before removing, replacing, or diverting any of the specified individuals, the Contractor ~~shall~~**[must]** notify the contracting officer, in writing, before the change becomes effective. The Contractor ~~shall~~ **[must]** submit information to support the proposed action to enable the contracting officer to evaluate the potential impact of the change on the contract. The Contractor shall not remove or replace personnel under this contract until the Contracting Officer approves the change in writing. The key personnel under this contract are:

[*Contracting Officer insert specified key personnel*]

(End of clause)