



**U.S. Department
of Transportation**

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

Office of the Secretary
of Transportation

SUBJECT: Class Deviation No. 2025-09 from the Federal Acquisition Regulation for FAR Part 11 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

FROM: Chrishaun Jones
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TO: Department of Transportation Chiefs of the Contracting Offices

- I. Purpose:** This class deviation (CD) is issued under Federal Acquisition Regulation (FAR) part 1 and Transportation Acquisition Regulation (TAR) part 1201 and authorizes a class deviation to FAR part 11 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR part 11.
- 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."

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- Remove duplicative or outdated language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.

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative.

FAR part 11, Describing Agency Needs, has been updated to ensure requirements are clear, focused on commercial standards, and do not unnecessarily limit competition. Statutory requirements retained in the RFO FAR part 11 model deviation include, but are not limited to, the following:

- 41 U.S.C. § 3306(a) and 10 U.S.C. § 3206(a): Planning and Solicitation Requirements
- 41 U.S.C. § 3307 and 10 U.S.C. § 3453: Preference for Commercial Products and Commercial Services
- 15 U.S.C. § 637(d)(4)(F): Requirements related to liquidated damages

The following table is not an exhaustive list but includes notable updates to FAR part 11.

Change	Description
Retained	<ul style="list-style-type: none"> • Definitions specific to Part 11 for <i>Reconditioned</i> and <i>Remanufactured</i>. • Using market research to promote full and open competition. • Encouraging commercial products and commercial services to the maximum extent practicable. • Procedures and corresponding clauses related to liquidated damages. • Requirements related to the Defense Priorities and Allocations System (DPAS), a Department of Commerce regulation in support of approved national defense, emergency preparedness, and energy programs. • Retained clauses and provisions to this part include: <ul style="list-style-type: none"> ○ 52.211-5, Material Requirements ○ 52.211-11, Liquidated Damages—Supplies, Services, or Research and Development ○ 52.211-12, Liquidated Damages—Construction ○ 52.211-13, Time Extensions ○ 52.211-14, Notice of Priority Rating for National Defense, Emergency Preparedness, and Energy Program Use ○ 52.211-15, Defense Priority and Allocation Requirements
Removed	<ul style="list-style-type: none"> • Requirements related to identification and availability of specifications. • Prescriptive procedures, such as: <ul style="list-style-type: none"> ▪ Requirements to include ecolabels in specifications based on information in the Green Procurement Compilation. ▪ Requirements for brand name or equal purchase descriptions. • Twelve (12) clauses and provisions are removed: <ul style="list-style-type: none"> ○ The following provisions related to the availability of Federal specifications, applicable to GSA and DOD standard indices: <ul style="list-style-type: none"> ▪ 52.211-1, Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29 ▪ 52.211-2, Availability of Defense Specifications, Standards, and Data Item Descriptions in the Acquisition Streamlining and Standardization Information System (ASSIST) Website ▪ 52.211-3, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions ▪ 52.211-4, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions ○ The following provisions related to brand name or equal procurements: <ul style="list-style-type: none"> ▪ 52.211-6, Brand Name or Equal ▪ 52.211-7, Alternatives to Government-Unique Standards ○ The following clauses related to delivery schedules for the contract: <ul style="list-style-type: none"> ▪ 52.211-8, Time of Delivery ▪ 52.211-9, Desired and Required Time of Delivery ▪ 52.211-10, Commencement, Prosecution, and Completion of Work (for construction contracts only)

	<ul style="list-style-type: none"> ○ The following clauses that address variations from firm fixed price contracts: <ul style="list-style-type: none"> ▪ 52.211-16, Variation in Quantity ▪ 52.211-17, Delivery of Excess Quantities ▪ 52.211-18, Variation in Estimated Quantity
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- IV. Required Actions:** 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) per RFO TAR 1201.104(d) shall follow the [RFO FAR part 11 model deviation text](#) instead of FAR part 11 as codified at 48 CFR chapter 1. The Council's RFO FAR part 11 model deviation text is available at [Acquisition.gov/far-overhaul](#) and is incorporated by reference into this CD. A line-out version of the changes may also be found [here](#) for reference.

Heads of the Contracting Activities (HCAs) must ensure this deviation is disseminated to the acquisition workforce and ensure compliance with the requirements in the revised FAR part 11 guidance.

- V. Applicability:** This CD applies to all DOT OAs, OST, and OIG, excluding the FAA in accordance with TAR 1201.104(d).
- VI. Expiration Date:** This CD will remain in effect until it is incorporated into the FAR or is otherwise rescinded, whichever occurs first.
- VII. Point of Contact:** Questions or comments regarding this deviation may be directed to DOTAcquisitionPolicy@dot.gov.