



**U.S. Department
of Transportation**

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

Office of the Secretary
of Transportation

SUBJECT: Class Deviation No. 2025-07 from the Federal Acquisition Regulation for FAR Part 39 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 39 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR part 39.
- 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- Remove duplicative or outdated language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 39, concerning Acquisition of Information and Communication Technology, has been streamlined to be future forward and emphasize strategies that promote faster acquisition and secure deployment of technology that is new or emerging.

Notably, FAR part 39 is renamed -

- From:
 - Acquisition of Information Technology
- To:
 - Acquisition of Information and Communication Technology

Statutory requirements retained in the RFO FAR part 39 model deviation include, but are not limited to, the following:

- 41 U.S.C. § 2308, Modular Contracting for Information Technology
- 40 U.S.C. § 1461, Procurement Procedures
- 29 U.S.C. § 794d, Electronic and Information Technology

The following table is not an exhaustive list but includes notable updates to FAR part 39.

Change	Description
Retained	<ul style="list-style-type: none">• The applicability of part 39 to information technology, Internet of Things devices, and operational technology. Importantly, part 39 clarifies its application to new or emerging technology.• Agencies should continue to use modular contracting for incremental and successive contracts when acquiring IT.• The prohibition on describing minimum experience or educational requirements is now discretionary rather than mandatory.• Accessibility standards, including Section 508 compliance, are still required (with limited exceptions and exemptions) to ensure federal employees and members of the public with disabilities have comparable access and use of information and data.• Information regarding the management of risk has been streamlined. Both the contracting and program office offices are responsible for assessing, monitoring and controlling risk throughout the acquisition process.
Removed	<ul style="list-style-type: none">• Reference to OMB Circular No's A-127, Financial Management Systems, and A-130, Management of Federal Information Resources. These Circulars may still be applicable for certain procurements and use of them is more appropriate for a guide.• Redundant prohibitions currently covered at FAR subparts 4.20, 4.21, 4.22, 4.23, and FAR part 40 not unique to IT procurements.• Clause 52.239-1, Privacy or Security Safeguards and its prescription.

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 TAR 1201.104(d) shall follow the [RFO part 39 model deviation text](#) instead of FAR part 39 as codified at 48 CFR chapter 39. The Council's RFO part 39 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 39 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.