



**U.S. Department
of Transportation**

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

Office of the Secretary
of Transportation

SUBJECT: Class Deviation No. 2026-17 from the Federal Acquisition Regulation for FAR Part 22 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 22 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR part 22.
- 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- Remove duplicative or outdated language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 22, Application of Labor Laws to Government Acquisitions, is restructured to align with the stages of the acquisition lifecycle. This reorganization will help acquisition teams apply the labor requirements during the correct stage of the procurement. The part is now shorter, with many sections combined to remove redundancy and duplicative language.

Importantly, the fundamental protections for workers remain the same. For example, contractors are still required to:

- Pay the correct prevailing wages for construction and service work
- Provide safe and sanitary working conditions
- Ensure equal opportunity for veterans
- Pay overtime correctly

Subpart 22.11, “Professional Employee Compensation” was not based on statute. This part, and the provision in 52.222-46, “Evaluation of Compensations for Professional Employees” has been removed.

The model deviation text for this part does not cover the rescission of Executive Order (E.O.) 14026, addressing minimum wage for federal contractors, made by E.O. 14236. For information on the rescission of E.O. 14026, see the Department of Labor's website at <https://www.dol.gov/agencies/whd/government-contracts/eo14026>.

Statutory requirements and presidential directives retained in the RFO FAR part 22 model deviation include, but may not be limited to, the following:

- 8 U.S.C. § 1324a, Unlawful Employment of Aliens
- 18 U.S.C. § 874, Kickbacks from Public Works Employees
- 22 U.S.C. §§ 7101 et seq, Trafficking Victims Protection
- 29 U.S.C. §§ 201 et seq, Fair Labor Standards
- 29 U.S.C. § 793, Employment Under Federal Contracts
- 38 U.S.C. § 4212, Veterans’ Employment Emphasis Under Federal Contracts
- 40 U.S.C. §§ 3141 et seq, Wage Rate Requirements
- 40 U.S.C. §§ 3701 et seq, Contract Work Hours and Safety Standards
- 41 U.S.C. § 6502, Required Contract Terms
- 41 U.S.C. §§ 6701 et seq, Service Contract Labor Standards
- E.O. 11755, Relating to Prison Labor, as amended by E.O.s 12608 and 12943
- E.O. 13126, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor
- E.O. 13496, Notification of Employee Rights Under Federal Labor Laws
- E.O. 13706, Establishing Paid Sick Leave for Federal Contractors
- E.O. 14063, Use of Project Labor Agreements for Federal Construction Projects

The following table is not an exhaustive list but includes notable updates to FAR part 22.

Change	Description
Retained	• Subpart 22.7 remains reserved. • Subpart 22.12 remains reserved. • Subpart 22.20 remains reserved. • Numerous provisions and clauses are retained (or remain reserved) with no changes. For readability of this document, all retained provisions and

	clauses are not listed. Updated and deleted provisions and clauses are listed below.
Moved/ Updated	• Section 22.001, “Definitions”, is updated to centralize definitions that were previously scattered throughout the part, make conforming edits to existing definitions to reflect the new part structure, and make other updates to modernize or streamline the definitions as appropriate. ○ The definition of “Administrator” is revised to remove the full mailing address. ○ The definition of “Normal workweek” is relocated from the former subsection 22.103-1. ○ The definition of “Secretary” is relocated from section 22.1601 in order to standardize the term’s usage throughout the part. ○ The definition of “Service contract” is updated to align the citations with the changes made to the part. • All subparts, unless otherwise noted, are updated and restructured. Content from former sections has been consolidated and relocated into new sections that reflect the acquisition lifecycle (e.g., Presolicitation, Evaluation and Award, Postaward). • Subsection 22.201-1, “General”, streamlines the detailed explanatory text from Executive Order 11755, which was quoted at length in the former 22.201. The section now simply states that the Executive Order “does not prohibit the contractor... from employing certain persons as stated in paragraph (b) of the clause at 52.222-3, Convict Labor”. This change streamlines the regulation by relying on the text of the contract clause itself to provide the specific requirements, rather than repeating them in the FAR text. • Section 22.401, “Definitions”, revises and harmonizes the definition of “Laborers or mechanics” with the definition used in Subpart 22.3. The updated definition in this section explicitly includes “firefighters, fireguards, and workmen who perform services in connection with dredging or rock excavation in rivers or harbors” and excludes “any employee employed as a seaman”. This creates greater consistency across related subparts. • Paragraph (d) under subsection 22.402-3, “Construction Wage Rate Requirements Statute” retains the direction (previously at 22.404-2(c)(5)) for contracting officers to seek assistance from the Administrator of the Wage and Hour Division in cases of doubt as to the proper application of wage rate schedules. The detailed guidance for selecting the proper schedule of wage rates (e.g., Building, Residential, Highway, Heavy) has been removed. • Section 22.1303, “Evaluation and Award”, under subpart 22.13, “Equal Opportunity for Veterans”, removes the option to contact VETS-4212 customer support (previously at 22.1304(b)) to verify if a proposed contractor is current with its VETS-4212 Report. Now, contracting officers must query the VETS-4212 database.

	• The following provisions and clauses are updated for clarity, to mirror updates made throughout the part, and/or to update cross-references or remove outdated content: ○ 52.222-4 (Clause), Contract Work Hours and Safety Standards—Overtime Compensation ○ 52.222-6 (Clause), Construction Wage Rate Requirements ○ 52.222-11 (Clause), Subcontracts (Labor Standards) ○ 52.222-19 (Clause), Child Labor—Cooperation with Authorities and Remedies ○ 52.222-20 (Clause), Contracts for Materials, Supplies, Articles, and Equipment ○ 52.222-35 (Clause), Equal Opportunity for Veterans ○ 52.222-36 (Clause), Equal Opportunity for Workers with Disabilities ○ 52.222-37 (Clause), Employment Reports on Veterans ○ 52.222-48 (Provision), Exemption From Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Certification ○ Alternate I to 52.222-50 (Clause), Combating Trafficking in Persons ○ 52.222-52 (Provision), Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Certification ○ 52.222-53 (Clause), Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements ○ 52.222-54 (Clause), Employment Eligibility Verification • The FAR Companion is expected to include best practices and guidance on the following: ○ Definitions not included in the deviated text ○ Department of Labor regulations involving construction ○ Construction Wage Rate Requirements statute wage determinations ○ Types of wage determinations ○ Wage determinations, general requirements ○ Notification of improper wage determination before award ○ Examinations of payrolls and payroll statements ○ Disposition of disputes concerning construction contract labor standards enforcement ○ Requirement to obtain wage determinations ○ Administrative limitations, variations, tolerances, and exemptions ○ Examples of contracts covered by the Service Contract Labor Standards statute ○ Repair distinguished from remanufacturing of equipment ○ Department of Labor responsibilities and regulations ○ Obtaining wage determinations ○ Successorship with incumbent contractor collective bargaining agreement ○ All possible places of performance not identified
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Removed	• The definitions of “Wage and Hour Division” and “Wage Determination” formerly at section 22.1001, are removed and expected to be included in the FAR Companion. • Subpart 22.8, “Equal Employment Opportunity”, is removed and marked reserved to comply with E.O. 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity. • Subpart 22.11, “Professional Employee Compensation” is removed and marked reserved. This subpart was not based on statute.
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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 22 model deviation text](#) instead of FAR part 22 as codified at 48 CFR chapter 1. The Council’s RFO FAR part 22 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.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 22 guidance.

For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at [RFO FAR part 52](#).

For open solicitations or awarded contracts, 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 the contract.

Contracting activities must review templates and related standard operating procedures to align with this class deviation and remove unnecessary processes and steps.

- 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.