This solicitation incorporates provisions and clauses by reference. The full text of provisions and clauses may be accessed electronically at https://www.acquisition.gov/far-overhaul/far-part-deviation-guide and https://www.acquisition.gov/tar.

When submitting invoice/s ensure you follow the instructions required by **TAR 1252.232-70, Electronic Submission of Payment Requests (NOV 2022)**.

The following FAR provisions apply:

52.203-18, Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements or Statements--Representation (JAN 2017) (DOT Class Deviation No. 2026-04 OCT 2025)
52.204-7, System for Award Management (NOV 2024) (DOT Class Deviation No. 2025-18 SEP 2025)
52.209-2, Prohibition on Contracting with Inverted Domestic Corporations – Representation (NOV 2015) (DOT Class Deviation No. 2026-24 APR 2026)
52.209-11, Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law (Feb 2016) (DOT Class Deviation No. 2026-24 APR 2026)
52.212-1, Instructions to Offerors – Commercial Products and Commercial Services (SEP 2023) (DOT Class Deviation No. 2026-24 APR 2026)
52.219-1, Small Business Program Representation (FEB 2024) (DOT Class Deviation No. 2026-21 NOV 2025)
52.222-18, Certification Regarding Knowledge of Child Labor for Listed End Products (FEB 2021) (DOT Class Deviation No. 2026-24 APR 2026)
52.240-90, Security Prohibitions and Exclusions Representations and Certifications (SEP 2025) (DOT Class Deviation No. 2025-24 SEP 2025)

The following FAR clauses apply:

52.209-10, Prohibition on Contracting with Inverted Domestic Corporations (NOV 2015) (DOT Class Deviation No. 2026-24 APR 2026)
52.212-4, Contract Terms and Conditions - Commercial Items (Nov 2023) (DOT Class Deviation No. 2026-22 JAN 2026)
52.204-13, System for Award Management – Maintenance (OCT 2018) (DOT Class Deviation No. 2025-18 SEP 2025)
52.219-6, Notice of Total Small Business Set-Aside (NOV 2020) (DOT Class Deviation No. 2026-21 NOV 2025)
FAR 52.222-41, Service Contract Labor Standards (AUG 2018) (DOT Class Deviation No. 2026-17 OCT 2025) (DOT Class Deviation No. 2026-24 APR 2026)
52.222-50, Combating Trafficking in Persons (Oct 2025) (DOT Class Deviation No. 2026-24 APR 2026)
52.226-8, Encouraging Contractor Policies to Ban Text Messaging While Driving (MAY 2024) (DOT Class Deviation No. 2025-17 SEP 2025)
52.232-33, Payment by Electronic Funds Transfer-System for Award Management (OCT 2018) (DOT Class Deviation No. 2025-25 SEP 2025)
52.232-39, Unenforceability of Unauthorized Obligation (Jun 2013) (DOT Class Deviation No. 2025-25 SEP 2025)
52.233-3, Protest After Award (AUG 1996) (DOT Class Deviation No. 2025-25 SEP 2025)
FAR 52.233-4, Applicable Law for Breach of Contract Claim (OCT 2004) (DOT Class Deviation No. 2025-25 SEP 2025)
52.232-40, Providing Accelerated Payments to Small Business Subcontractors (MAR 2023) (DOT Class

Deviation No. 2026-19 NOV 2025)

The following TAR Provisions apply to this solicitation:

TAR 1252.239-92, Information and Communication Technology Accessibility Notice (NOV 2022)

The following TAR Clauses apply to this solicitation:

TAR 1252.201-70, Contracting Officer's Representative (NOV 2022)
TAR 1252.232-70, Electronic Submission of Payment Requests (NOV 2022)

(a) ***Definitions.*** **As used in this clause—**

(1) ***Contract financing payment*** **has the meaning given in FAR 32.001.**

(2) ***Payment request*** **means a bill, voucher, invoice, or request for contract financing payment or invoice payment with associated supporting documentation. The payment request must comply with the requirements identified in FAR 32.905(b), "Content of Invoices," this clause, and the applicable Payment clause included in this contract.**

(3) ***Electronic form*** **means an automated system transmitting information electronically according to the accepted electronic data transmission methods and formats identified in paragraph (c) of this clause. Facsimile, email, and scanned documents are not acceptable electronic forms for submission of payment requests.**

(4) ***Invoice payment*** **has the meaning given in FAR 32.001.**

(b) ***Electronic payment requests.*** **Except as provided in paragraph (e) of this clause, the contractor shall submit payment requests in electronic form. Purchases paid with a Governmentwide commercial purchase card are considered to be an electronic transaction for purposes of this rule, and therefore no additional electronic invoice submission is required.**

(c) ***Processing system.*** **The Department of Transportation utilizes the DELPHI system for processing invoices. The DELPHI module for submitting invoices is called** ***iSupplier.*** **Access to DELPHI is granted with electronic authentication of credentials (name & valid email address) utilizing the GSA credentialing platform** ***login.gov.*** **Vendors submitting invoices are required to submit invoices via** ***iSupplier*** **(DELPHI) and authenticated via** ***www.login.gov.***

(d) ***Invoice requirements.*** **To receive payment and in accordance with the Prompt Payment Act, all invoices submitted as attachments in** ***iSupplier*** **(DELPHI) shall contain the following:**

(1) Invoice number and invoice date.

(2) Period of performance covered by invoice.

(3) Contract number and title.

(4) Task/Delivery Order number and title (if applicable).

(5) Amount biller (by CLIN), current and cumulative.

(6) Total ($) of billing.

(7) Cumulative total billed for all contract work to date.

(8) Name, title, phone number, and mailing address of person to be contacted in the event of a defective invoice.

(9) Travel. If the contract includes allowances for travel, all invoices which include charges pertaining to travel expenses will catalog a breakdown of reimbursable expenses with the appropriate receipts to substantiate the travel expenses.

(10) The following statement "The Contractor certifies that, by submitting this invoice to the Government, the supplies and/or services billed have been shipped, rendered, or delivered in accordance with instructions issued by the ordering officer; that they are reflected in the quantities and/or period of performance stated on the invoice; and that such supplies and/or services conform to the quantity and quality requirements specified in the applicable contract, order, or blanket purchase agreement.

Furthermore, pursuant to Executive Order 14173, Ending Illegal Discrimination And Restoring Merit-Based Opportunity, the Contractor certifies that it is in compliance with the Equal Protection principles of the Constitution and all applicable Federal anti-discrimination laws, and acknowledges that such compliance is material to the Government's payment decision under the False Claims Act (31 U.S.C. § 3729(b)(4)). The Contractor also affirms that it does not operate any diversity, equity, and inclusion (DEI) initiatives that are inconsistent with the Equal Protection principles of the Constitution and the non-discrimination requirements of Federal law, as interpreted by the Supreme Court in Students for Fair Admissions v. Harvard, 600 U.S. 181 (2023)."

(e) ***Payment system registration.*** **All persons accessing the *iSupplier* (DELPHI) will be required to have their own unique user ID and password and be credentialed through *login.gov*.**

(1) ***Electronic authentication. See www.login.gov*** **for instructions.**

(2) **To create a *www.login.gov*** **account, the user will need a valid email address and a working phone number. The user will create a password and then *www.login.gov*** **will reply with an email confirming *the email address.***

(3) iSupplier (DELPHI) registration instructions: New users should navigate to: http://einvoice.esc.gov to establish an account. Users are required to log in to iSupplier (DELPHI) every 45 days to keep it active.

(4) Training on DELPHI. To facilitate use of DELPHI, comprehensive user information is available at http://einvoice.esc.gov.

(5) Account Management. Vendors are responsible to contact their assigned COR when their firm's points of contacts will no longer be submitting invoices, so they can be removed from the system.

(f) ***Waivers.*** **For contractors/vendors who are unable to utilize DOT's DELPHI system, waivers may be considered by DOT on a case-by-case basis. Vendors should contact their Contracting Officer's Representative (COR) for procedures.**

(g) *Exceptions and alternate payment procedures.* If, based on one of the circumstances set forth in 1232.7002(a) or (b), and the contracting officer directs that payment requests be made by mail, the contractor shall submit payment requests by mail through the United States Postal Service to the designated agency office. If alternate payment procedures are authorized, the Contractor shall include a copy of the Contracting Officer's written authorization with each payment request. If DELPHI is succeeded by later technology, the Contracting Officer will supply the Contractor with the latest applicable electronic invoicing instructions.

(End of clause)

The following MARAD clauses apply to this solicitation:

MCL.E-1, DELEGATION OF INSPECTION AND ACCEPTANCE -- AUG 2005
The Contracting Officer's Representative shall be delegated the responsibility and authority to conduct inspection and acceptance duties for this contract.

MCL.H-6, STANDARDS OF EMPLOYEE CONDUCT -- AUG 2005
The Contractor shall be responsible for maintaining satisfactory standards of employee competency, conduct, and integrity, and shall be responsible for taking such disciplinary action with respect to its employees as may be necessary.

U.S. Department of Transportation

Office of the Secretary of Transportation

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

MEMORANDUM TO: Department of Transportation (DOT) Chiefs of the Contracting Offices (COCOs)

FROM: Chrishaun Jones
Senior Procurement Executive
Office of the Senior Procurement Executive

CHRISHAUN PATRICE JONES Digitally signed by CHRISHAUN PATRICE JONES Date: 2025.05.31 09:09:53 -04'00'

SUBJECT: Transportation Acquisition Regulation (TAR) Class Deviation (CD) No. 2025-01 – Align the TAR with FAR Class Deviations and CAAC Letter 2025-01 Supplement 1 and CAAC Letter 2025-02 Supplement 1

I. Purpose: This class deviation (CD) is issued in accordance with Transportation Acquisition Regulation (TAR) 1201.404 to revise or add the following TAR subparts/sections. This CD provides policy to align the TAR with the FAR based on revisions required to implement the President's agenda based on issuance of certain executive orders and the revocation of other executive orders which necessitated issuance of DOT-issued FAR class deviations as described in the Background section below.

TAR Parts impacted: 1222, 1223, 1252

a. TAR Part 1222 – Application of Labor Laws to Government Acquisitions
- Subpart 1222.8 - Equal Employment Opportunity
  - Status: Removed and Reserved to align with the FAR.
  - Sections affected:
    - 1222.808 - Complaints
    - 1222.810-70 - Contract clause.

b. TAR Part 1223 – Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace
Note: Title updated as shown in TAR Deviated Text to align with the FAR
- Subpart 1223.3 - Hazardous Identification and Material Safety Data
  - Header updated as shown in TAR Deviated Text to align with the FAR
  - Sections affected:
    - 1223.303 - Renumbered to 1223.304

c. TAR Part 1252 - Solicitation Provisions and Contract Clauses
- Clause 1252.222-72 - Contractor Cooperation in Equal Employment Opportunity and Anti-Harassment Investigations
  - Status: Removed and Reserved to align with the FAR.

II. Effective Date: Immediately.

III. Background: On January 21, 2025, President Trump issued E.O. 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, which revoked E.O. 11246, Equal Employment Opportunity.

On February 15, 2025, the Chair of the Civilian Agency Acquisition Council (CAAC) issued CAAC Letter No. 2025-01, superseded on February 18, 2025 by Supplement 1, in accordance with FAR 1.404(a)(1) to authorize agencies to issue their own class deviations. Supplement 1 to CAAC Letter No. 2025-01 addressed the removal of equal employment opportunity language per revoked E.O. 11246. Several FAR provisions promulgated to enforce E.O. 11246 are not consistent with the direction in E.O. 14173 (see FAR subpart 22.8 and associated provisions and clauses as prescribed at FAR 22.810, as well as affected parts). DOT Office of the Senior Procurement Executive (OSPE), issued FAR CD, titled "Class Deviation No. 2025-01 from the Federal Acquisition Regulation Regarding Executive Orders 14173 and 14168," on March 6, 2025 based on this CAAC letter.

As a result of the issuance of DOT FAR CD 2025-01 on March 6, 2025 to align the TAR with the FAR, it is necessary to immediately revise TAR part 1222 by deviating the currently published TAR to remove and reserve TAR subpart 1222.8 to align with the FAR deviated text at FAR subpart 22.8, which is now reserved, as well as to remove and reserve FAR clause 1252.222-72, Contractor Cooperation in Equal Employment Opportunity and Anti-Harassment Investigations, as the prescription for the clause and the underlying FAR text concerning Equal Employment Opportunity were removed based on the DOT-issued FAR CD 2025-01.

Additionally, on February 15, 2025, the Chair of the Civilian Agency Acquisition Council (CAAC) issued CAAC Letter No. 2025-02, superseded on February 18, 2025 by Supplement 1, in accordance with FAR 1.404(a)(1) to authorize agencies to issue their own class deviations. Supplement 1 to CAAC Letter No. 2025-02 partially implemented Section 2 of E.O. 14148, Initial Rescissions of Harmful Executive Orders and Actions, of January 20, 2025 (see 90 FR 8237), which revoked E.O. 14057, Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability, of December 8, 2021. The removal of requirements related to E.O. 14057 eliminates all non-statutory sustainability requirements or preferences in purchases of food service wares, including paper straws. In addition to removing requirements related to E.O. 14057, the CD also reflects recent updates to Code of Federal Regulation (CFR) citations for the U.S. Department of Agriculture's BioPreferred Program, a statutory purchasing preference program. DOT OSPE issued FAR CD, titled "Class Deviation No. 2025-02 from the Federal Acquisition Regulation Regarding Executive Orders 14148 and 14208," on March 6, 2025, based on this CAAC letter.

IV. 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's (OIG), excluding the Federal Aviation Administration (FAA) per TAR 1201.104(d), and applies to all DOT solicitations and contracts, as appropriate.

V. Expiration Date: This CD remains in effect until the requirements are incorporated into the TAR, or is otherwise rescinded, whichever occurs first.

VI. Point of Contact: Questions or comments regarding this CD may be directed to DOTAcquisitionPolicy@dot.gov.

Attachments:

A. TAR Deviation Text

Attachment A: TAR Deviation Text

Transportation Acquisition Regulation (TAR) Class Deviation (CD) No. 2025-01 – TAR Part 1222, 1222.8; Part 1223, 1223.3, and Part 1252, 1252.222-72 (DEVIATION) (MAY 2025)

CLASS DEVIATION

TAR Text Baseline is 48 CFR chapter 12 dated April 29, 2025.

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 1222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Subpart 1222.1—Basic Labor Policies
Sec.
1222.101 Labor relations.
1222.101-70 Admittance of union representatives to DOT installations.
1222.101-71 Contract clauses.

Subpart 1222.8~~—Equal Employment Opportunity~~ [[RESERVED] (DEVIATION)(MAY 2025)]
~~1222.808 Complaints.~~
~~1222.810-70 Contract clause.~~

Authority: 5 U.S.C. 301; 41 U.S.C. 1121(c)(3); 41 U.S.C. 1702; and 48 CFR 1.301 through 1.304.

PART 1222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

*****

Subpart 1222.8—~~Equal Employment Opportunity~~ [[RESERVED]] [(DEVIATION)(MAY 2025)]

~~1222.808 Complaints.~~

~~Contractors shall, in good faith, cooperate with the Department of Transportation in investigations of Equal Employment Opportunity (EEO) complaints processed pursuant to 29 CFR part 1614 and in accordance with clause 1252.222-72 as prescribed in this subpart.~~

~~1222.810-70 Contract clause.~~

~~The contracting officer shall insert the clause at 1252.222-72, Contractor Cooperation in Equal Employment Opportunity and Anti-Harassment Investigations, in solicitations, contracts, and orders that include the clause at FAR 52.222-26, Equal Opportunity.~~

PART 1223~~— ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE~~ [ENVIRONMENT, SUSTAINABLE ACQUISITION, AND MATERIAL SAFETY] [(DEVIATION)(MAY 2025)]

Subpart 1223.3—Hazardous Material Identification ~~and Material Safety Data~~ [, Material Safety Data, and Notice of Radioactive Materials]
Sec.
1223.30~~3~~**[4]** Contract clause**[s]. [(DEVIATION)(MAY 2025)]**

Subpart 1223.70—Safety Requirements for Selected DOT Contracts
1223.7000 Contract clauses.

Authority: 5 U.S.C. 301; 41 U.S.C. 1121(c)(3); 41 U.S.C. 1702; and 48 CFR 1.301 through 1.304.

PART 1223~~— ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE~~ [ENVIRONMENT, SUSTAINABLE ACQUISITION, AND MATERIAL SAFETY] [(DEVIATION)(MAY 2025)]

Subpart 1223.3—Hazardous Material Identification and Material Safety Data

1223.30~~3~~[4] Contract clause[s].

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PART 1252 -- SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 1252.1—Instructions for Using Provisions and Clauses
Sec.
*****

Subpart 1252.2—Text of Provisions and Clauses

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1252.222-72 ~~Contractor Cooperation in Equal Employment Opportunity and Anti-Harassment Investigations.~~ [[RESERVED] (DEVIATION)(MAY 2025)]

*****

Subpart 1252.3—Provision and Clause Matrix
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Authority: 5 U.S.C. 301; 41 U.S.C. 1121(c)(3); 41 U.S.C. 1702; and 48 CFR 1.301 through 1.304.

PART 1252 -- SOLICITATION PROVISIONS AND CONTRACT CLAUSES

*****

Subpart 1252.2—Text of Provisions and Clauses

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1252.222-72 ~~Contractor Cooperation in Equal Employment Opportunity and Anti-Harassment Investigations.~~ [[RESERVED] (DEVIATION)(MAY 2025)]

~~As prescribed in 1222.810-70, insert the following clause:~~

~~Contractor Cooperation in Equal Employment Opportunity and Anti-harassment Investigations (NOV 2022)~~ [(DEVIATION)(MAY 2025)]

~~(a) *Definitions*. As used in this clause—~~

~~*Complaint* means a formal or informal complaint that has been filed with DOT management, DOT agency Equal Employment Opportunity (EEO) officials, the Equal Employment Opportunity Commission (EEOC), the Office of Federal Contract Compliance Programs (OFCCP) or a court of competent jurisdiction.~~

~~*Contractor employee* means all current Contractor employees who work or worked under this contract. The term also includes current employees of subcontractors who work or worked under this contract. In the case of Contractor and subcontractor employees who worked under this contract, but who are no longer employed by the Contractor or subcontractor, or who have been assigned to another entity within the Contractor's or subcontractor's organization, the Contractor shall provide DOT with that employee's last known mailing address, email address, and~~

telephone number, if that employee has been identified as a witness in an EEO or Anti-Harassment complaint or investigation.

Good faith cooperation means, but is not limited to, making Contractor employees available, with the presence or assistance of counsel as deemed appropriate by the Contractor, for:

(1) Formal and informal interviews by EEO counselors, the OFCCP, or other Agency officials processing EEO or Anti-Harassment complaints;

(2) Formal or informal interviews by EEO investigators charged with investigating complaints of unlawful discrimination filed by Federal employees;

(3) Reviewing and signing appropriate affidavits or declarations summarizing statements provided by such Contractor employees during EEO or Anti-Harassment investigations;

(4) Producing documents requested by EEO counselors, EEO investigators, OFCCP investigators, Agency employees, or the EEOC in connection with a pending EEO or Anti-Harassment complaint; and

(5) Preparing for and providing testimony in depositions or in hearings before the Merit Systems Protection Board, EEOC, OFCCP, and U.S. District Court.

(b) *Cooperation with investigations*. In addition to complying with the clause at FAR 52.222-26, Equal Opportunity, the Contractor shall, in good faith, cooperate with the Department of Transportation in investigations of EEO complaints processed pursuant to 29 CFR part 1614 and internal Anti-Harassment investigations.

(c) *Compliance*. Failure on the part of the Contractor or its subcontractors to comply with the terms of this clause may be grounds for the Contracting Officer to terminate this contract for default or for cause in accordance with the termination clauses in the contract.

(d) *Subcontract flowdown*. The Contractor shall include the provisions of this clause in all subcontract solicitations and subcontracts awarded, at any tier, under this contract.

(End of clause)

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