



Homeland
Security

MEMORANDUM FOR: Heads of Contracting Activities

FROM: Sarah Green
Deputy Chief Procurement Officer

SUBJECT: FAR Class Deviation (Number 26-05) for FAR Part 47 in Support
of Executive Order on Restoring Common Sense to Federal
Procurement

1. **Purpose.** This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) Part 47 for purposes of implementing the Federal Acquisition Regulatory Council's model deviation text to FAR Part 47.
2. **Background.** [Executive Order \(E.O.\) 14275 on Restoring Common Sense to Federal Procurement](#), signed April 15, 2025, mandates a comprehensive review and simplification of the FAR.

The FAR is being updated to:

- Eliminate non-statutory language
- Remove redundant or obsolete language
- Enhance clarity through plain language
- Align with the new FAR framework
- Preserve essential governmentwide acquisition standards

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

3. **Summary of Changes.** FAR Part 47, Transportation, addresses the transportation policies and procedures applicable to the procurement of supplies. This part addresses the policies applied to transportation, including terms of art that when applied to a contract directly impact the roles and responsibilities of the contract.

The part has been comprehensively revised to improve clarity, consolidate policies, and eliminate outdated requirements. These changes, including the removal of 33 clauses, will streamline the procurement process.

Commercial transportation remains the preferred shipping method.

Statutory requirements retained in the RFO FAR Part 47 model deviation include, but are not limited to, the following:

- 10 U.S.C. § 2631, Preference for United States Vessels in Transporting Supplies by Sea
- 22 U.S.C. § 2353, Shipping on United States Vessels
- 46 U.S.C. § 55305, Cargoes Procured, Furnished, or Financed by the United States Government
- 49 U.S.C. § 10721 and § 13712, Interstate Commerce Act
- 49 U.S.C. § 40118, Government-Financed Air Transportation

Change	Description
Retained	• All subparts are retained, reorganized, and streamlined to improve flow and remove procedural guidance. ○ Subpart 47.1 - General ○ Subpart 47.2 - Contracts for Transportation or for Transportation-Related Services ○ Subpart 47.3 - Transportation in Supply Contracts ○ Subpart 47.4 - Air Transportation by U.S.-Flag Carriers ○ Subpart 47.5 - Ocean Transportation by U.S.-Flag Vessels • Information that guides the part such as the “Scope of Part”, “Definitions”, “Applicability”, and “Policies” are retained and streamlined (see 47.000 through 47.101). • Section 47.104, “Government Rate Tenders Under Sections 10721 and 13712 of the Interstate Commerce Act (49 U.S.C. 10721 and 13712)”, and its subsections, are retained with plain language edits, as they provide guidance on how to implement the statute. • The following provisions and clauses are retained (or remain reserved) with no changes to text: ○ 52.247-1 Commercial Bill of Lading Notations ○ 52.247-2 Permits, Authorities, or Franchises ○ 52.247-5 Familiarization With Conditions ○ 52.247-8 Estimated Weights or Quantities Not Guaranteed ○ 52.247-10 Net Weight—General Freight ○ 52.247-11 Net Weight—Household Goods or Office Furniture ○ 52.247-13 Accessorial Services—Moving Contracts ○ 52.247-15 Contractor Responsibility for Loading and Unloading ○ 52.247-17 Charges ○ 52.247-18 Multiple Shipments ○ 52.247-19 Stopping in Transit for Partial Unloading ○ 52.247-21 Contractor Liability for Personal Injury and/or Property Damage ○ 52.247-22 Contractor Liability for Loss of and/or

	Damage to Freight Other Than Household Goods ○ 52.247-23 Contractor Liability for Loss of and/or Damage to Household Goods ○ 52.247-29 F.o.b. Origin ○ 52.247-30 F.o.b. Origin, Contractor's Facility ○ 52.247-31 F.o.b. Origin, Freight Allowed ○ 52.247-32 F.o.b. Origin, Freight Prepaid ○ 52.247-33 F.o.b. Origin, With Differentials ○ 52.247-34 F.o.b. Destination ○ 52.247-35 F.o.b. Destination, Within Consignee's Premises ○ 52.247-36 F.a.s. Vessel, Port of Shipment ○ 52.247-37 F.o.b. Vessel, Port of Shipment ○ 52.247-38 F.o.b. Inland Carrier, Point of Exportation ○ 52.247-39 F.o.b. Inland Point, Country of Importation ○ 52.247-48 F.o.b. Destination—Evidence of Shipment ○ 52.247-53 Freight Classification Description ○ 52.247-54 remains reserved ○ 52.247-56 Transit Arrangements ○ 52.247-58 Loading, Blocking, and Bracing of Freight Car Shipments ○ 52.247-63 Preference for U.S.-Flag Air Carriers ○ 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels ○ 52.247-67 Submission of Transportation Documents for Audit ○ 52.247-68 Report of Shipment (REPSHIP) ○ 52.247-69 Reporting Requirement for U.S.-Flag Air Carriers Regarding Training to Prevent Human Trafficking
Moved / Updated	● Section 47.102, “Transportation Insurance”, is deleted and marked reserved. Content is expected to be moved to the FAR Companion. ● Section 47.103-1, addressing “Transportation Payment and Audit Regulation”, is updated from five paragraphs that detailed where and how to send paid freight bills to the General Services Administration (GSA) for audit, to a single sentence that states the statutory requirement for a prepayment audit program and directs users to 41 CFR part 102-118 for details. ● Section 47.105, “Transportation Assistance”, is deleted and marked reserved. Content is expected to be moved to the FAR Companion. ● 47.301-2, “Participation of Transportation Officers”, is deleted and marked reserved. Content is expected to be moved to the FAR Companion. ● In subsections 47.303-1 through 47.303-11, paragraph (b) of each subsection, titled “Contractor Responsibilities”, is moved to the corresponding contract clause. ● The following clause is updated. Updates are primarily for clarity and cross-referencing corrections.

	○ 52.247-52 Clearance and Documentation Requirements— Shipments to DOD Air or Water Terminal Transshipment Points
Removed	● The following sections were deleted because the content was duplicative of general service contracting principles already established in other parts of the FAR or other regulations: ● 47.202, “Presolicitation Planning” ● 47.205, “Availability of Term Contracts and Basic Ordering Agreements for Transportation or for Transportation-related Services” ● 47.206, “Preparation of Solicitations and Contracts” ● 47.207-2, “Duration of Contract and Time of Performance” ● 47.207-10, “Discrepancies Incident to Shipments” ● Subsections 47.303-12 through 47.303-17 are deleted as they are unnecessary. The subsections defined the following terms: ○ Ex dock, pier, or warehouse, port of importation ○ C.& f. destination ○ C.i.f. destination ○ F.o.b. designated air carrier's terminal, point of exportation ○ F.o.b. designated air carrier's terminal, point of importation ○ Contractor-prepaid commercial bills of lading, small package shipments ● The following provisions and clauses are removed as they are not required by statute or essential to sound procurement: ○ 52.247-3 Capability To Perform a Contract for the Relocation of a Federal Office ○ 52.247-4 Inspection of Shipping and Receiving Facilities ○ 52.247-6 Financial Statement ○ 52.247-7 Freight Excluded ○ 52.247-9 Agreed Weight—General Freight ○ 52.247-12 Supervision, Labor, or Materials ○ 52.247-14 Contractor Responsibility for Receipt of Shipment ○ 52.247-16 Contractor Responsibility for Returning Undelivered Freight ○ 52.247-20 Estimated Quantities or Weights for Evaluation of Offers ○ 52.247-24 Advance Notification by the Government ○ 52.247-25 Government-Furnished Equipment With or Without Operators ○ 52.247-26 Government Direction and Marking ○ 52.247-27 Contract Not Affected by Oral Agreement ○ 52.247-28 Contractor's Invoices ○ 52.247-40 Ex Dock, Pier, or Warehouse, Port of Importation ○ 52.247-41 C.& f. Destination ○ 52.247-42 C.i.f. Destination ○ 52.247-43 F.o.b. Designated Air Carrier's Terminal, Point of Exportation ○ 52.247-44 F.o.b. Designated Air Carrier's Terminal,

	- Point of Importation ○ 52.247-45 F.o.b. Origin and/or F.o.b. Destination Evaluation ○ 52.247-46 Shipping Point(s) Used in Evaluation of F.o.b. Origin Offers ○ 52.247-47 Evaluation—F.o.b. Origin ○ 52.247-49 Destination Unknown ○ 52.247-50 No Evaluation of Transportation Costs ○ 52.247-51 Evaluation of Export Offers ○ 52.247-55 F.o.b. Point for Delivery of Government-Furnished Property ○ 52.247-57 Transportation Transit Privilege Credits ○ 52.247-59 F.o.b. Origin—Carload and Truckload Shipments ○ 52.247-60 Guaranteed Shipping Characteristics ○ 52.247-61 F.o.b. Origin—Minimum Size of Shipments ○ 52.247-62 Specific Quantities Unknown ○ 52.247-65 F.o.b. Origin, Prepaid Freight—Small Package Shipments ○ 52.247-66 Returnable Cylinders
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This table is not an exhaustive list.

4. Instructions.

- The Department of Homeland Security (DHS) acquisition workforce must follow the RFO Part 47 and corresponding part 52 model deviation text in Attachment 1 instead of FAR Parts 47 and 52 as codified at 48 CFR Chapter 1. The Council's RFO part 47 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-47>, and is incorporated into this class deviation.
- For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language in Attachment 1.
- 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.
- Acquisition teams should review the FAR Companion for a number of best practices and guidance specific to this part.

5. Applicability. This class deviation applies to all DHS procurements.

6. **Authority.** This class deviation is issued under the authority of E.O. 14275, [OMB Memo M-25-25](#), 48 CFR 1.4, and RFO FAR 1.304.
7. **Effective Date.** This class deviation is effective November 3, 2025, and remains in effect until rescinded or incorporated into the FAR.
8. **Points of Contact.** Questions regarding this class deviation may be directed to Acquisition Policy and Legislation Branch at Acquisition.Policy@hq.dhs.gov.

Attachment:

1. FAR Part 47 Solicitation Provisions and Contract Clauses Revision

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 52.2—Text of Provisions and Clauses

52.247-12 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-14 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-16 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-20 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-24 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-25 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-26 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-27 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-28 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-40 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-41 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-42 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-43 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-44 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-45 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-46 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-47 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-49 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-50 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-51 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-52 Clearance and Documentation Requirements-Shipments to DoD Air or Water Terminal Transshipment Points.

As prescribed in 47.305-6(f)(2), insert the following clause in solicitations and contracts when shipments will be consigned to DOD air or water terminal transshipment points:

Clearance and Documentation Requirements-Shipments to DoD Air or Water Terminal Transshipment Points (OCT 2025) (DEVIATION 26-05) (effective November 3, 2025)

All shipments to water or air ports for transshipment to overseas destinations are subject to the following requirements unless clearance and documentation requirements have been expressly delegated to the Contractor:

(a) At least 10 days before shipping cargo to a water port, the Contractor shall obtain an Export Release from the Government transportation office for—

- (1) Each shipment weighing 10,000 pounds or more; and
- (2) Each shipment weighing less than 10,000 pounds; if the cargo either—
 - (i) Is classified TOP SECRET, SECRET, OR CONFIDENTIAL;
 - (ii) Will require exclusive use of a motor vehicle;
 - (iii) Will occupy full visible capacity of a railway car or motor vehicle;
 - (iv) Is less than a carload or truckload, but will be tendered as a carload or truckload; or
 - (v) Is to be shipped to an ammunition outloading port for water shipment; or

- (3) Each shipment weighing less than 10,000 pounds if the cargo consists of—
 - (i) Narcotics;
 - (ii) Perishable biological material;
 - (iii) Vehicles to be offered for driveaway service;
 - (iv) Explosives, ammunition, poisons or other dangerous articles classified as class 1, division 1.1, 1.2, 1.3, 1.4; class 2, division 2.3; and class 6, division 6.1; or
 - (v) Radioactive material, as defined in 49 CFR 173.403, class 7.
- (b) The Contractor is cautioned not to order railway cars or motor vehicles for loading until an Export Release has been received.
- (c) If the Contracting Officer directs delivery within a shorter period than 10 days, the Contractor shall advise the transportation office of the date on which the cargo will be ready for shipment.
- (d) At least 5 days before shipping cargo to either a water port or an air port (regardless of the weight, security classification, or the commodity description), the Contractor shall provide the Government transportation office the information shown in paragraph (e) below to permit preparation of a Transportation Control and Movement Document (TCMD).
- (e) When applying for the Export Release in paragraph (a) above or when providing information for preparation of the TCMD in accordance with paragraph (d) above, the Contractor shall furnish the—
 - (1) Proposed date or dates of shipment;
 - (2) Number and type of containers;
 - (3) Gross weight and cube of the shipment;
 - (4) Number of cars or trucks that will be involved;
 - (5) Transportation Control Number(s) (TCN) as required for marking under MIL-STD-129 or Federal Standard 123; and
 - (6) Proper shipping name as specified in 49 CFR 172.101 for all items classified as dangerous substances as required for marking under MIL-STD-129.
- (f) All movement documents (Government or commercial bills of lading or other delivery documents) shall be annotated by the Contractor with the—

(1) Transportation Control Number, Consignor Code of activity directing the shipment; i.e., cognizant contract administration office, purchasing office when contract administration has been retained, or a Contractor specifically delegated transportation responsibilities under DoD 4500.9-R, Defense Transportation Regulation, responsibilities in the contract, whichever is appropriate, Consignee Code, and Transportation Priority for each shipment unit;

(2) Export Release Number and valid shipping period, if stated (if expired, the Contractor shall request a renewal); and

(3) Cubic foot measurement of each shipment unit.

(g) All annotations on the movement documents shall be made in the Description of Articles space except, on Government bills of lading the Export Release number and shipping period shall be entered in the space entitled Route Order/Release No.

(h) The Contractor shall (1) mail a copy of the bill of lading or other movement document to the transshipment point and (2) give a copy of the bill of lading or other movement document to the carrier for presentation to the transshipment point with delivery of the shipment.

52.247-54 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-55 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-57 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-59 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-60 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-61 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-62 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-65 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)

52.247-66 [Reserved (OCT 2025) (DEVIATION 26-05)] (effective November 3, 2025)