



U.S. Department of Justice

Justice Management Division

Washington, D.C. 20530

MEMORANDUM FOR BUREAU PROCUREMENT CHIEFS

FROM: William N. Taylor II
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SUBJECT: Class Deviation from the Federal Acquisition Regulation Part 11 in support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

1. PURPOSE

This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) Part 11 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 11 available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-11>.

2. BACKGROUND

Executive Order (E.O.) 14275, 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 11, Describing Agency Needs, has been updated to ensure requirements are clear, focused on commercial standards, and do not unnecessarily limit competition. A high-level summary of the content updates, additions, and removals is as follows:

- Retained definitions specific to part 11 for *Reconditioned* and *Remanufactured*. Also retained are:
 - 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, a Department of Commerce regulation in support of approved national defense, emergency preparedness, and energy programs.
 - Retained clauses and provisions for this part include:
 - 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
- Statutory requirements retained 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
- Removals include:
 - Requirements related to identification and availability of specifications.
 - Prescriptive procedures, such as:
 - Requirements to include ecolabels in specifications based on information in the Green Procurement Compilation.
 - Requirements for brand name or equal purchase descriptions.
 - Twelve (12) provisions and clauses related to:
 - Availability of Federal specifications: provisions 52.211-1 through 52.211-4.
 - Brand name or equal procurements: provisions 52.211-6 and 52.211-7.
 - Delivery schedules for the contract: clauses 52.211-8 through 52.211-10 (for construction contracts only).
 - Variations from firm-fixed-price contracts: clauses 52.211-16 through 52.211-18.

4. AUTHORITY

This class deviation is issued under the authority of [E.O. 14275](#), [OMB M-25-26](#), and RFO FAR 1.304.

5. DEVIATION

The DOJ acquisition workforce must follow the RFO Part 11 model deviation text instead of FAR Part 11 as codified at 48 CFR Chapter 1. The Council's RFO Part 11 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-11>.

6. EFFECTIVE DATE AND EXPIRATION

This class deviation is effective immediately and remains in effect until rescinded or incorporated into the FAR.

7. SCOPE AND APPLICABILITY

This class deviation applies to all DOJ procurements.

8. ADDITIONAL INFORMATION

If you have questions, please contact DOJAcquisitionPolicy@usdoj.gov.

9. ATTACHMENTS

Attachment 1 – Deviation to FAR Text – FAR Part 11 (Line-In/Line-Out)