



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 (FAR) Part 14 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 14 for the purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 14 available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-14>.

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 14, concerning sealed bidding, has been simplified to make the regulation more accessible, clear, and efficient for acquisition teams. Themes of the update for this part include:

- Structural reorganization for logical flow
- Streamlining through consolidation and plain language
- Modernization for current practices

The following items are retained:

- Statutory requirements retained in the RFO FAR Part 14 model deviation include, but may not be limited to, the following:
 - 10 U.S.C. § 3201 and 41 U.S.C. § 3301, Full and Open Competition
 - 10 U.S.C. § 3206 and 41 U.S.C. § 3306, Planning and Solicitation Requirements
 - 10 U.S.C. § 3301 and 41 U.S.C. § 3701, Basis of Award and Rejection
 - 10 U.S.C. § 3302 and 41 U.S.C. § 3702, Sealed Bids
 - 10 U.S.C. § 3702 and 41 U.S.C. § 3502, Required Cost or Pricing Data and Certification
 - 41 U.S.C. § 1708, Procurement Notice
 - 41 U.S.C. § 2301, Use of Electronic Commerce in Federal Procurement
- The following provision and clauses are retained (or remain reserved) with no changes:
 - 52.214-1 and 52.214-2 remain reserved
 - 52.214-4 (Provision), False Statements in Bids
 - 52.214-6 (Provision), Explanation to Prospective Bidders
 - 52.214-8 and 52.214-9 remain reserved
 - 52.214-10 (Provision), Contract Award—Sealed Bidding
 - 52.214-11 remains reserved
 - 52.214-12 (Provision), Preparation of Bids
 - 52.214-13 remains reserved
 - 52.214-14 (Provision), Place of Performance—Sealed Bidding
 - 52.214-15 (Provision), Period for Acceptance of Bids
 - 52.214-16 (Provision), Minimum Bid Acceptance Period
 - 52.214-17 remains reserved
 - 52.214-18 (Provision), Preparation of Bids—Construction
 - 52.214-19 (Provision), Contract Award—Sealed Bidding— Construction
 - 52.214-20 (Provision), Bid Samples
 - 52.214-21 (Provision), Descriptive Literature
 - 52.214-22 (Provision), Evaluation of Bids for Multiple Awards
 - 52.214-24 (Provision), Multiple Technical Proposals
 - 52.214-27 (Clause), Price Reduction for Defective Certified Cost or Pricing Data—Modifications—Sealed Bidding
 - 52.214-29 (Clause), Order of Precedence—Sealed Bidding
 - 52.214-30 remains reserved
 - 52.214-32 and 52.214-33 remain reserved
 - 52.214-34 (Provision), Submission of Offers in the English Language
 - 52.214-35 (Provision), Submission of Offers in U.S. Currency

The following items have been moved/updated:

- The revised part structure now reflects the acquisition lifecycle:
 - Subpart 14.1 – General
 - Subpart 14.2 – Presolicitation
 - Subpart 14.3 - Evaluation and Award
 - Subpart 14.4 – Postaward
- Subpart 14.1, “General”, streamlines and consolidates the five sections that were previously within the former subpart 14.1, “Use of Sealed Bidding”.
- Subpart 14.2, “Presolicitation”, consolidates nearly all pre-award activities related to the solicitation process into a single chronological subpart. It is constructed from content previously located in subpart 14.2 (“Solicitation of Bids”), subpart 14.3 (“Submission of Bids”), and subpart 14.5 (“Two-Step Sealed Bidding”).
 - Sections within the subpart are streamlined, consolidated, and reorganized to conform to the new subpart structure.
- Subpart 14.3, “Evaluation and Award”, consolidates activities that occur from the moment bids are received until the contract is awarded. It is primarily constructed from content that was previously located in parts of subpart 14.3 (“Submission of Bids”) and subpart 14.4 (“Opening of Bids and Award of Contract”).
 - Sections within the subpart are streamlined, consolidated, and reorganized to conform to the new subpart structure.
- Subpart 14.4, “Postaward”, is designed to cleanly separate pre- award and post-award issues which are governed by different procedures.
 - 14.401, “Mistakes after award”, relocates content previously found at 14.407-4. Placing this topic in a distinct “Postaward” subpart categorizes it as a matter of contract administration, fundamentally different from mistakes discovered before an award is made. The text has been revised for clarity and procedural requirements remain intact.
 - 14.402, “Pricing modifications”, is a new section that provides a direct cross-reference to FAR part 15 for policies and procedures related to cost and price negotiation for modifications. This is a logical and helpful addition providing clear guidance for a common post- award activity.
- The following provisions and clauses are updated. Updates are primarily for clarity and cross-referencing corrections.
 - 52.214-3 (Provision), Amendments to Invitations for Bids
 - 52.214-5 (Provision), Submission of Bids
 - 52.214-7 (Provision), Late submissions, modifications, and withdrawals of bids
 - 52.214-23 (Provision), Late submissions, modifications, revisions, and withdrawals of technical proposals under two-step sealed bidding
 - 52.214-25 (Provision), Step Two of Two-Step Sealed Bidding
 - 52.214-26 (Clause), Audit and Records—Sealed Bidding
 - 52.214-28 (Clause), Subcontractor Certified Cost or Pricing Data—Modifications—Sealed Bidding
- The FAR Companion is expected to include best practice information on the following moved content that is not statutorily required:
 - Subsection 14.201-8, “Price-related factors”
 - Section 14.208, “Amendment of invitation for bids”

- Section 14.202-1, “Bidding time”
- Section 14.207, “Pre-bid conference”
- Section 14.209, “Cancellation of invitations before opening”
- Subsection 14.407-2(b) and (c), “Apparent clerical mistakes” regarding corrections
- Subsection 14.404-1(d), “Cancellation of invitations after opening” regarding extensions
- Subsection 14.408-1(b), “General” regarding a limited number of bids.

The following items have been removed:

- Section 14.105, “Solicitations for informational or planning purposes” is removed to align with streamlining efforts.
- Subsection 14.202-3, “Bid envelopes” is removed to align with modernization efforts.
- Subsection 14.202-7, “Facsimile Bids” is removed to align with modernization efforts.
- Section 14.211, “Release of Acquisition Information” is removed because the content is adequately covered in other parts of the FAR.
- Subsection 14.408-7, “Documentation of Award” is removed because the content is adequately covered elsewhere in the part or other parts of the FAR.
- Subsection 14.408-8, “Protests against Award” is removed because the content is adequately covered elsewhere in the FAR.
- The following provision is deleted to align with the modernization efforts:
 - 52.214-31, Facsimile Bids

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 14 model deviation text and corresponding 52 model deviation text instead of FAR Parts 14 and 52 as codified at 48 CFR Chapter 1. The Council’s RFO Part 14 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-14>.

Where applicable, include the revised Part 14 provision and clause deviations, at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-52> in lieu of the standard versions. For open solicitations or awarded contracts, the Contracting Officer has discretion regarding the need to enforce or amend the clause.

6. EFFECTIVE DATE AND EXPIRATION

This class deviation is effective November 3, 2025, 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

None.