



U.S. Department of Justice

Justice Management Division

Washington, D.C. 20530

MEMORANDUM FOR BUREAU PROCUREMENT CHIEFS

FROM: William N. Taylor II
Deputy Assistant Attorney General
for Policy, Management, and Procurement
Senior Procurement Executive

SUBJECT: Class Deviation from the Federal Acquisition Regulation (FAR) Part 35 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 35 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 35 available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-35>.

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 35, Research and Development Contracting, moves away from a prescriptive, specialized regulatory framework for research and development (R&D) contracting toward a streamlined structure that empowers acquisition professionals and makes the federal R&D environment more attractive for innovative commercial firms.

The Part is streamlined from 25 to 20 components (subparts, sections, subsections) that are reorganized in a more logical flow of the procurement lifecycle. This significant update greatly improves the usability of the content

The following items are updated or retained:

- Statutory requirements retained in the RFO FAR Part 35 model deviation include, but are not limited to, the following:
 - 31 U.S.C. § 6303, Using Procurement Contracts
 - 10 U.S.C. § 4126, Use of Federally Funded Research and Development Centers
- Definitions of “Applied Research” and “Development” are retained.
- Section titled, “Policy” is retained and streamlined to remove references to “Recoupment.” However, the section is moved from 35.003 to 35.002.
- New subparts 35.1, Presolicitation, 35.2, Evaluation and Award, and 35.3, Postaward create logical organization in alignment with the acquisition lifecycle, creating clear points of reference.
 - “Solicitations” (moved from 35.007 to 35.101) has been updated to include plain language improvements.
 - “Broad agency announcements” (moved from 35.016 to 35.102) retains core substance and unique procedures and has been updated with plain language improvements.
 - “Evaluation for award” (moved from 35.008 to 35.201) has been updated to include plain language improvements.
 - “Scientific and technical reports” (moved from 35.010 to 35.301) has been updated to include plain language improvements.
- Policies and procedures for “Federally Funded Research and Development Centers” are retained with plain language improvements. However, the section has moved from 35.017 to 35.4.

The following items have been removed:

- Definition of “Recoupment” at Section 35.001.
- Section 35.002, “General” provided the context for R&D contracting. Its removal streamlines the Part.
- Section 35.004, “Publicizing requirements and expanding research and development sources” was removed as largely duplicative of FAR Part 5.
- Section 35.005, “Work statement” was removed to provide acquisition teams greater flexibility in crafting requirements best suited for the R&D effort.

- Section 35.006, “Contracting methods and contract type” was removed as duplicative of FAR Part 16.
- The sections are removed as they are covered in other FAR sections-
 - 35.009 Subcontracting research and development effort, refer to Part 44
 - 35.011 Data, refer to Part 27
 - 35.012 Patent rights, refer to Part 27
 - 35.013 Insurance, refer to Part 28
 - 35.014 Government property and title, refer to Part 45.
- Section 35.015, “Contracts for research with educational institutions and nonprofit organizations” was removed.
 - Educational institutions are still highlighted as an organization-type that should be considered during evaluation for an award at 35.201.
- Requirements for Standard Form 298, *Report Documentation Page*, are removed to provide more flexibility to complete the reports in the best suited manner for the R&D effort.

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 35 model deviation text instead of FAR Part 35 as codified at 48 CFR Chapter 1. The Council’s RFO Part 35 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-35>.

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 35 (Line-In/Line-Out)