



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 5 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 5 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 5 available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-5>

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 5, Publicizing Contract Actions, is revised from a complex, topic-based structure to a streamlined, chronological process that mirrors the three main phases of an acquisition. The revision makes extensive use of tables to present complex information regarding content requirements and timing, a significant departure from the dense paragraphs of the original text. The new tables 5-1, 5-2, 5-3, and 5-4 clearly explain posting requirements and timeframes.

This approach directly serves the goals of reducing complexity and enhancing clarity by making the content easier to understand and use.

The following items are updated or retained:

- Statutory requirements retained in the RFO FAR Part 5 model deviation include, but are not limited to, the following:
 - 5 U.S.C. § 552, Public Information; Agency Rules, Opinions, Orders, Records, and Proceedings
 - 15 U.S.C. § 637(e) and 41 U.S.C. § 1708, Procurement Notice
 - 15 U.S.C. § 637(k), Notices of Subcontracting Opportunities
 - 15 U.S.C. § 637b, Availability of Information
 - 15 U.S.C. § 644, Awards or Contracts
 - 44 U.S.C. §§ 3701-3703, Awarding of Contracts
 - Pub. L. 97-219, Small Business Innovation Development Act of 1982
- Section 5.000 “Scope of Part” has been updated to specify that notices are posted in the Governmentwide Point of Entry (GPE). Section 5.001 “Definitions” retains and streamlines the definition of “Contract Action” and adds definitions of “Notice” and “Presolicitation Notice”.
- Section 5.002 “Policy” retains the general purpose to increase competition and broaden industry participation. Language in this section has been revised from “assist small business concerns” to inform small business concerns of contract and subcontract opportunities.
- New subparts 5.1 “Presolicitation”, 5.2 “Solicitation”, and 5.3 “Award” create logical organization in alignment with the acquisition lifecycle, creating clear points of reference.
 - Content from the former Subparts 5.1 “Dissemination of Information”, 5.2 “Synopsis of Proposed Contract Actions”, and 5.3 “Synopsis of Contract Awards” is streamlined within the new subpart structure.
- New tables are added to section 5.101 “Presolicitation Notice” that provide greater readability. Specifically, Table 5-1 identifies presolicitation language regarding trade agreements and Table 5-2 clarifies minimum posting timeframes for presolicitation notices.
- Guidance for “Paid Advertisements” is moved from subpart 5.5 to the new section 5.102 and is significantly streamlined.
- Guidance on “Special Situations”, previously at 5.205 has been moved to the new section 5.103 “Special Notices” and is significantly streamlined, reflecting notices for Federal Funded Research and Development Centers (FFRDC), and consolidation, bundling, and

substantial bundling.

- New tables are added to section 5.201 “Solicitation Notice” that provide greater readability. Specifically, Table 5-3 identifies minimum timeframes for receipt of quotations or offers, and Table 5-4 identifies minimum posting timeframes for award notices.

The following items have been removed:

- With rare exception, the term “synopsis” has been removed.
- Subpart 5.4 “Release of Information has been removed as largely duplicative of the general posting guidance throughout the part.
- Subpart 5.6 “Publicizing Multi-Agency Use Contracts”, which required agencies to enter information into a specific governmentwide database of contracts, has been removed as duplicative and outdated.
- Subpart 5.7 “Publicizing Requirements Under the American Recovery and Reinvestment Act of 2009 (ARRA)” has been removed because ARRA is no longer active.

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 5 model deviation text instead of FAR Part 5 as codified at 48 CFR Chapter 1. The Council’s RFO Part 5 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-5>

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

None