



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 9 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 9 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 9 available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-9>.

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 9, Contractor Qualifications- largely based in statute, establishes the standards and procedures for determining contractor responsibility and eligibility for federal contracts, ensuring that only qualified, reliable contractors receive government awards. It protects the government's interests by requiring contractors to demonstrate they have adequate financial resources, technical capability, integrity, and past performance to successfully fulfill contract requirements.

The following items are updated or retained:

- Statutory requirements and presidential directives retained in the RFO FAR Part 9 model deviation include, but are not limited to, the following:
 - 6 U.S.C. § 395, Prohibition on Contracts with Corporate Expatriates
 - 10 U.S.C. § 3206 and 41 U.S.C. § 3306, Planning and Solicitation Requirements
 - 10 U.S.C. § 3243 and 41 U.S.C. § 3311, Qualification Requirements
 - 22 U.S.C. § 2593e, Measures Against Activities that Violate Arms Control Treaties
 - 41 U.S.C. § 113, Responsible Source
 - 41 U.S.C. § 2303, Ethics Safeguards Related to Contractor Conflicts of Interest
 - 41 U.S.C. § 2304, Conflict of Interest Standards for Consultants
 - 41 U.S.C. § 2313, Database for Suspension and Debarment Officials
 - Pub. L. 103-355 Sec 2455, Uniform Suspension and Debarment
 - Pub. L. 111-84 Sec 815, Clarification of Uniform Suspension and Debarment Requirement
 - Pub. L. 117-324, Preventing Organization Conflicts of Interest in Federal Acquisition
 - E.O. 12549 and E.O. 12689, Debarment and Suspension
- Subparts 9.1, 9.2, and 9.3 are significantly streamlined with some shifting and reorganizing of sections and subsections throughout.
- Subparts 9.4 “Debarment, Suspension, and Ineligibility”, and 9.5 “Organizational and Consultant Conflicts of Interest”, are retained and updated with plain language edits.
- All existing provisions and clauses are retained (or remain reserved if previously reserved) with no changes to the text.

The following items have been removed:

- Section 9.000 “Scope of Part”, has been removed as the language was duplicative.
- The definition of “Surveying activity” has been removed from section 9.101, “Definitions”.
- Section 9.104-2 “Special Standards”, has been removed and may be moved to non-regulatory content.
- Section 9.106 “Preaward Surveys”, has been removed and may be moved to non-regulatory content. This includes the reference to utilizing the Standard Form 1403, *Preaward Survey of Prospective Contractor (General)*.

- Section 9.107 “Surveys of Nonprofit Agencies Participating in the AbilityOne Program” has been removed. The AbilityOne Program is covered in part 8 and nuances of pre-award surveys relevant to the AbilityOne Program are now covered in non-regulatory content.
- Subpart 9.6 “Contractor Team Arrangements”, has been removed and may be moved to non-regulatory content.
- Subpart 9.7 “Defense Production Pools and Research and Development Pools”, has been removed and may be moved to non-regulatory content.

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 9 model deviation text instead of FAR Part 9 as codified at 48 CFR Chapter 1. The Council’s RFO Part 9 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-9>.

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.