



Global Acquisitions

U.S. DEPARTMENT *of* STATE

Acquisition Alert 25-43

TO: All Contracting Activities

FROM: Michael W. Derrios
Senior Procurement Executive
U.S. Department of State

SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 33
in Support of Executive Order on Restoring Common Sense to Federal
Procurement

- 1. Introduction:** The purpose of this Acquisition Alert is to issue a FAR class deviation to part 33 for purposes of implementing the Federal Acquisition Regulatory Council's model deviation text to that part.
- 2. Background:** On April 15, 2025, Executive Order (E.O.) 14275 on Restoring Common Sense to Federal Procurement was signed. Section 2 of the E.O. establishes the policy that the FAR "should only contain provisions required by statute or essential to sound procurement, and any FAR provisions that do not advance these objectives should be removed."

The FAR is being updated to:

- Remove language that is not required by statute;
- Remove duplicative or outdated language;
- Clarify or provide plain language;
- Revise language for the new FAR framework; and
- Retain language necessary for governmentwide acquisition standards.

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative. This class deviation is issued under the authority of E.O. 14275, OMB M-25-25, and 48 CFR 1.4.

Deviation Summary

FAR part 33, Protests, Disputes, and Appeals has undergone a comprehensive revision that includes a complete structural reorganization to align with the acquisition lifecycle while revising language to resolve protests at the lowest level possible. The new language seeks to reduce protests and provides updates that include the following:

- New purpose statement at 33.100 to emphasize that this process is to promote integrity and not to provide additional insight to offerors or delay contract transition from an incumbent.
- Requires Contracting Officers (COs) to **report protests to the head of contract activity** (HCA) as soon as practicable after filing (which is already a requirement under DOSAM 633.102).
- Requires agencies to **provide a redacted copy of the source selection decision** to protesters electing independent review at a level above the CO.
- “Protests to the Agency” continues to require that the parties attempt resolution through **“open and frank discussions”** before filing a formal protest.
- All of the clauses and provisions for this part have been retained with plain language and streamlining updates:
 - 52.233-1 Disputes, revised to describe what a defective certification means
 - 52.233-2 Service of Protest, revised to require protests to be shared with the contracting office within one day of filing with the GAO
 - 52.233-3 Protest After Award, revised to describe steps for protests post award, such as stop work orders

Statutory requirements retained in the RFO FAR part 33 model deviation include:

- 5 U.S.C. §§ 571 et seq, Administrative Dispute Resolution Act (ADRA)
- 31 U.S.C. § 1558, Availability of Funds Following Resolution
- 31 U.S.C. §§ 3551 et seq, Procurement Protest System
- 41 U.S.C. §§ 7101 et seq, Contract Disputes
- E.O. 12979, Agency Procurement Protests

Non-statutory requirements removed from FAR part 33 include:

- “Protests to GAO” has been significantly streamlined and no longer summarizes GAO’s own regulations.
- Removal of the definition of “protest venue”.
- The paragraph “Protest likely after award” (current 33.102(d), which allows for a delay in starting contract performance) has been removed and replaced with a direction that a CO may issue a stop work order.
- Section 33.212, “Contracting Officer’s Duties Upon Appeal,” is removed. These duties are stated in the Board of Contract Appeals (BCA) procedural rules and do not need to be restated in the FAR.

Corresponding DOSAR Deviation Summary

Based on the Council’s model deviated language, a class deviation is hereby issued to the Department of State Acquisition Regulation (DOSAR) to make the following corresponding changes:

- Renumbering sections in DOSAR part 633 to mirror FAR part 33 numbering changes;
- Adjusting section titles to match the FAR deviated language; and
- Other administrative updates.

3. Acquisition Impact: The changes resulting from this class deviation affect all DoS procurements issued on or after the effective date of the AA.

4. Action Required: The acquisition workforce must follow the RFO part 33 model deviation text instead of FAR part 33 as codified at 48 CFR Chapter 1. The FAR Council’s RFO model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul), and is incorporated into this class deviation.

- a. For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at RFO FAR part 52. Do not include any of the removed provisions or clauses in future solicitations and contracts.
- b. For open solicitations or awarded contracts, the CO has discretion regarding the need to enforce or amend the provisions or clauses. Note that without some of the removed provisions or clauses, the contracting officer may be required to separately address certain aspects in the contract.

Acquisition Alert 25-43

- 4 -

5. **Effective Date:** The model deviated language was released on August 21, 2025; however, this deviation is effective November 3, 2025.
6. **Expiration Date:** This Acquisition Alert expires upon incorporation into the FAR, DOSAR, and/or DOSAM.
7. **Additional Information:** Questions regarding this Acquisition Alert may be directed to AcquisitionPolicy@state.gov.
8. **Attachments:** [DOSAR Part 633 Deviation Line In/Line Out Document](#)
9. **Referenced Documents, Checklists, Guides and Templates:**
[FAR Part 33 Practitioner Album](#)