



Global Acquisition

U.S. DEPARTMENT *of* STATE

Acquisition Alert 25-30

TO: All Contracting Activities

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SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 36
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 36 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- Remove duplicative or outdated language;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 36, Construction and Architect-Engineer Contracts, has undergone a comprehensive revision that includes a complete structural reorganization to align with the acquisition lifecycle, enhance clarity, and strategically consolidate and eliminate policies and outdated requirements. Examples of outdated requirements that have been removed include on-site inspections during the solicitation stage; conferences after award; specific evaluation requirements for architect-engineer contracts requirements; and the requirement to disclose the magnitude of construction projects.

Examples of strategic consolidation include the removal and relocation of information related to other FAR parts, specifically, sealed bidding will appear in FAR 14 and past performance evaluation guidance will appear in FAR 42.

Statutory requirements retained in the RFO FAR part 36 model deviation include, but are not limited to, the following:

- 10 U.S.C. § 3241 and 41 U.S.C. § 3309, Design-Build Selection Procedures
- 15 U.S.C. § 644(w), Administration of Construction Change Orders
- Pub. L. 92-582, Brooks Act of 1972
- Pub. L. 103-355, Federal Acquisition Streamlining Act of 1994
- Pub. L. 108-136, Services Acquisition Reform Act of 2003

Non-statutory requirements removed from FAR part 36 include, but are not limited to, the following:

- All definitions with the exception of “Firm”
- FAR 36.210 and 36.523 Site inspection during solicitation phase.
- FAR 36.212 and 36.522 Preconstruction conference.
- FAR 36.202 Specifications.
- FAR 36.201 Specific guidance on evaluation of performance and past performance. The new section 36.301 now refers to the general requirements in part 42.
- FAR 36.204 disclosure of the magnitude of construction projects.
- FAR 36.501 The “12 percent rule” which requires the prime contractor to perform a minimum percent of the total contract work with their own

forces. (Note: this requirement is separate from the clause at 52.219-14, Limitations of Subcontracting).

- The following clauses have been removed in their entirety:
 - 52.236-4 Physical Data
 - 52.236-19 Organization and Direction of the Work
 - 52.236-26 Preconstruction Conference
 - 52.236-27 Site Visit (Construction)
 - 52.236-28 Preparation of Proposals-Construction

Additionally, FAR 36.303, which outlines procedures for two-phased design-build selection, has been moved and significantly streamlined.

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 636 to mirror FAR part 36 numbering changes,
- Updating FAR part 36 citations throughout the DOSAR to reflect the updated section numbers,
- Revising references to the threshold of the Omnibus Diplomatic Security and Antiterrorism Act from \$10M to \$25M in accordance with the National Defense Authorization Act of 2025 and [AA 25-14](#),
- Adjusting section titles to match the FAR deviated language, and
- Including 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 36 model deviation text instead of FAR part 36 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.

5. Effective Date: While this Acquisition Alert is effective upon issuance, the model deviated language was released on July 24, 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 636 Deviation Line In/Line Out Document](#)

9. Referenced Documents, Checklists, Guides and Templates:
[FAR Part 36 Deviation Practitioner Guide](#)