



BUREAU OF ADMINISTRATION

Global Acquisition

Acquisition Alert 25-24

TO: All Contracting Activities

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SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 39 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 FAR part 39 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- Remove duplicative or outdated language;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

This deviation renames FAR part 39 from Acquisition of Information Technology to Acquisition of Information and Communication Technology. Part 39 clarifies its application to new or emerging technology.

The revised language retains the following statutory requirements from FAR part 39:

- Modular Contracting for Information Technology (41 U.S.C. § 2308)
- Procurement Procedures (40 U.S.C. § 1461)
- Electronic and Information Technology (29 U.S.C. § 794d)
- Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 701)

Retained	<ul style="list-style-type: none"> • The applicability of part 39 to information technology, Internet of Things devices, and operational technology. Importantly, part 39 clarifies its application to new or emerging technology. • Agencies should continue to use modular contracting for incremental and successive contracts when acquiring IT. • The prohibition on describing minimum experience or educational requirements is now discretionary rather than mandatory. • Accessibility standards, including Section 508 compliance, are still required (with limited exceptions and exemptions) to ensure federal employees and members of the public with disabilities have comparable access and use of information and data. • Information regarding the management of risk has been streamlined. Both the contracting and program office offices are responsible for assessing, monitoring and controlling risk throughout the acquisition process.
Removed	<ul style="list-style-type: none"> • Reference to OMB Circular No's A-127, Financial Management Systems, and A-130, Management of Federal Information Resources. These Circulars may still be applicable for certain procurements and use of them is more appropriate for a guide. • Redundant prohibitions currently covered at FAR subparts 4.20, 4.21, 4.22, 4.23, and FAR part 40 not unique to IT procurements.

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	<ul style="list-style-type: none">• Prescriptive instructions for establishing modular contracts. More information on modular contract is included in the Practitioner Album.• Clause 52.239-1, Privacy or Security Safeguards and its prescription.
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DOSAR Summary

The DOSAR impact in part 639 is limited to changing the title and terminology to ICT and renumbering sections to align with the FAR deviation.

3. Acquisition Impact: The changes resulting from this class deviation affect all DoS procurements and contracting activities.

Contracting Officers must not include clause 52.239-1, Privacy or Security Safeguards, in future solicitations and contracts. For open solicitations or awarded contracts, the Contracting Officer has discretion regarding the need to enforce or amend the clause.

Contracting Officers must ensure that solicitations and contracts issued on or after the effective date of this deviation include the most up to date version of DOSAR 652.239-70 and –71, as applicable, as the title and terminology of the provision and clause have been updated.

4. Action Required: The acquisition workforce must follow the RFO part 39 model deviation text instead of FAR part 39 as codified at 48 CFR Chapter 39. The 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 June 12, 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 639 Line In/Line Out Document](#)

9. Referenced Documents, Checklists, Guides and Templates: None