

Global Acquisition

U.S. DEPARTMENT *of* STATE

Acquisition Alert 25-38

TO: All Contracting Activities

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SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 40
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 40 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- Remove duplicative or outdated language;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.

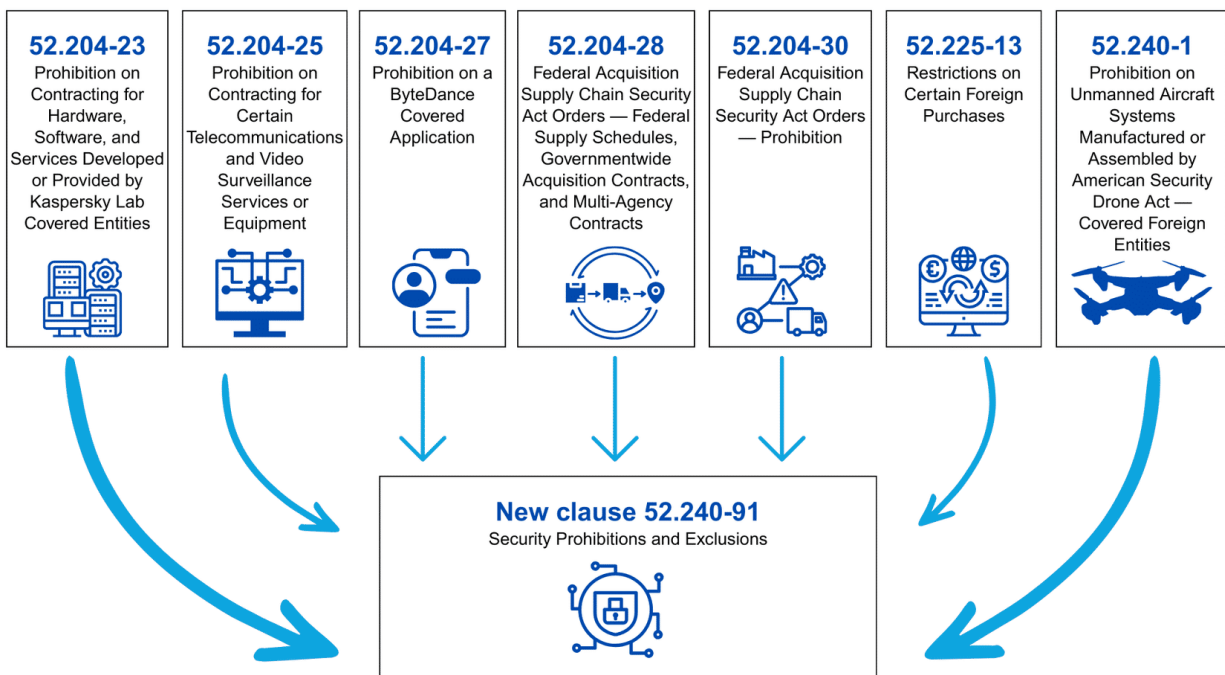
Deviation Summary

FAR part 40, Information Security and Supply Chain Security, is significantly revised and reorganized into three subparts:

- Subpart 40.1 - Processing Supply Chain Risk Information (previously reserved)
- Subpart 40.2 - Security Prohibitions and Exclusions
- Subpart 40.3 - Safeguarding Information (previously reserved)

The revised part 40 pulls together subparts throughout the FAR (parts 4 and 25) and consolidates more than a dozen separate provisions and clauses into one provision and three clauses.

For example, a single new clause 52.240-91 merges seven provisions regarding prohibitions from contracting with contractors that operate, provide, and/or use certain products or services including: Byte Dance; Kaspersky Labs hardware, software and services; drones; and certain telecommunication and video surveillance equipment; among others.



3. Acquisition Impact: The changes resulting from this class deviation affect all DoS procurements issued on or after the effective date of the AA. The DOSAR does not include a part correlating with FAR part 40 and therefore this deviation includes no changes to the DOSAR.

- 4. Action Required:** The acquisition workforce must follow the RFO part 40 model deviation text instead of FAR part 40 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:** This Acquisition Alert is effective November 3, 2025. The model deviated language was released on August 15, 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:** None.
- 9. Referenced Documents, Checklists, Guides and Templates:** None.