



# UNITED STATES DEPARTMENT OF EDUCATION

## OFFICE OF FINANCE AND OPERATIONS

July 7, 2025

### ACQUISITION ALERT 2025-13

TO: Heads of Contracting Activities

FROM: Calvin J. Mitchell Jr. Digitally signed by Calvin J Mitchell Jr.  
Date: 2025.07.07 16:07:34 -04'00'  
Deputy Assistant Secretary for the Office of Acquisition Management  
Senior Procurement Executive

SUBJECT: FAR Class Deviation for FAR Part 11 in Support of Executive Order on Restoring Common Sense to Federal Procurement

- 1. Purpose.** This Acquisition Alert (AA) adopts a class deviation to Federal Acquisition Regulation (FAR) Part 11 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 11.
- 2. Background.** On April 15, 2025, the 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." On May 31, 2025, the enclosed class deviation was issued for the use of all Revolutionary FAR Overhaul (RFO) model deviation texts and corresponding EDAR deviations.
- 3. Summary of Changes.** FAR Part 11, Describing Agency Needs, has been updated to ensure requirements are clear, focused on commercial standards, and do not unnecessarily limit competition. Statutory requirements retained in the RFO FAR Part 11 model deviation include, but are not limited to, the following:
  - 41 U.S.C. § 3306(a) and 10 U.S.C. § 3206(a): Planning and Solicitation Requirements
  - 41 U.S.C. § 3307 and 10 U.S.C. § 3453: Preference for Commercial Products and Commercial Services
  - 15 U.S.C. § 637(d)(4)(F): Requirements related to liquidated damages

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-4500  
[www.ed.gov](http://www.ed.gov)

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

Change	Description
<b>Retained</b>	<ul style="list-style-type: none"> <li>• <b>Definitions</b> specific to Part 11 for <i>Reconditioned</i> and <i>Remanufactured</i>.</li> <li>• Using market research to <b>promote full and open competition</b>.</li> <li>• Encouraging <b>commercial products and commercial services</b> to the maximum extent practicable.</li> <li>• Procedures and corresponding clauses related to <b>liquidated damages</b>.</li> <li>• Requirements related to the Defense Priorities and Allocations System (DPAS), a Department of Commerce regulation in <b>support of approved national defense, emergency preparedness, and energy programs</b>.</li> <li>• <b>Retained clauses and provisions to this part include:</b> <ul style="list-style-type: none"> <li>○ 52.211-5, Material Requirements</li> <li>○ 52.211-11, Liquidated Damages—Supplies, Services, or Research and Development</li> <li>○ 52.211-12, Liquidated Damages—Construction</li> <li>○ 52.211-13, Time Extensions</li> <li>○ 52.211-14, Notice of Priority Rating for National Defense, Emergency Preparedness, and Energy Program Use</li> <li>○ 52.211-15, Defense Priority and Allocation Requirements</li> </ul> </li> </ul>
<b>Removed</b>	<ul style="list-style-type: none"> <li>• Requirements related to identification and availability of specifications.</li> <li>• <b>Prescriptive procedures</b>, such as: <ul style="list-style-type: none"> <li>○ Requirements to include ecolabels in specifications based on information in the Green Procurement Compilation.</li> <li>○ Requirements for brand name or equal purchase descriptions.</li> </ul> </li> <li>• Twelve (12) clauses and provisions are removed: <ul style="list-style-type: none"> <li>○ The following provisions related to the <b>availability of Federal specifications</b>, applicable to GSA and DOD standard indices: <ul style="list-style-type: none"> <li>▪ 52.211-1, Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29</li> <li>▪ 52.211-2, Availability of Defense Specifications, Standards, and Data Item Descriptions in the Acquisition Streamlining and Standardization Information System (ASSIST) Website</li> <li>▪ 52.211-3, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>▪ 52.211-4, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions</li> <li>○ The following provisions related to <b>brand name or equal procurements</b>: <ul style="list-style-type: none"> <li>▪ 52.211-6, Brand Name or Equal</li> <li>▪ 52.211-7, Alternatives to Government-Unique Standards</li> </ul> </li> <li>○ The following clauses related to <b>delivery schedules for the contract</b>: <ul style="list-style-type: none"> <li>▪ 52.211-8, Time of Delivery</li> <li>▪ 52.211-9, Desired and Required Time of Delivery</li> <li>▪ 52.211-10, Commencement, Prosecution, and Completion of Work (for construction contracts only)</li> </ul> </li> <li>○ The following clauses that address <b>variations from firm fixed price contracts</b>: <ul style="list-style-type: none"> <li>▪ 52.211-16, Variation in Quantity</li> <li>▪ 52.211-17, Delivery of Excess Quantities</li> <li>▪ 52.211-18, Variation in Estimated Quantity</li> </ul> </li> </ul>
--	--

This table is not an exhaustive list.

#### 4. Instructions.

- The Department of Education’s acquisition workforce shall follow the RFO Part 11 model deviation text instead of FAR Part 11 as codified at 48 CFR Chapter 1. The Council’s RFO Part 11 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-11>, and is incorporated into this class deviation. There is no EDAR Part 3411 and therefore no corresponding changes to EDAR are necessary.
- Do not include any of the removed provisions or clauses in future solicitations and contracts. For open solicitations or awarded contracts, the contracting officer 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.
  - For example, without contract clauses addressing variations from firm-fixed price contracts, contracting officers should consider other ways to protect the Government by addressing variations during the contract’s performance.
- Requirements for establishing delivery or performance schedules are being moved to the FAR Companion Guide. This move allows acquisition teams greater flexibility and discretion to consider techniques which are most appropriate to their acquisition. To enforce the remaining liquidated damages clauses, it is helpful to ensure a delivery schedule is clearly identified.
- Review templates and related standard operating procedures to align with this deviation and remove unnecessary processes and steps.

5. **Training.** Acquisition Professionals are highly encouraged to complete RFO “Practitioner Album: FAR Part 11 – Describing Agency Needs” at [https://www.acquisition.gov/sites/default/files/practitioner\\_albums/far-part-11-agency-needs/content/index.html#/](https://www.acquisition.gov/sites/default/files/practitioner_albums/far-part-11-agency-needs/content/index.html#/) within 30 days. Please complete the Practitioner Album and mark “yes” under the completion attestation within FAI CSOD.
6. **Effective Date.** This class deviation to FAR Part 11 is effective immediately and remains in effect until rescinded or incorporated into the FAR.
7. **Points of Contact.** Direct questions regarding this class deviation to your respective policy points of contact.
8. **Enclosure.** Determination and Findings - Class Deviation for the Revolutionary FAR Overhaul

**DETERMINATION AND FINDINGS**  
Department of Education, All Contracting Activities  
Class Deviation for the Revolutionary FAR Overhaul

This approves a class deviation to all Federal Acquisition Regulation (FAR) and Department of Education Acquisition Regulation (EDAR) parts for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text.

**Findings**

On April 15, 2025, the 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 more plain language
- Revise language for the new FAR framework
- Retain language necessary for governmentwide acquisition standards

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative.

In explaining the Federal Acquisition System, the RFO FAR Part deviation text establishes bedrock principles. Most centrally, it sets a "mission first" message at the top of the guiding principles. The RFO model deviation also increases the emphasis on the best use of taxpayer dollars and calls out the value of time as another guiding principle. Additionally, it retains a focus on satisfying the customer, maximizing use of commercial products and services, promoting competition, and encouraging innovation.

The FAR Council Deviation guidance allows for agencies to deviate agency acquisition regulation supplements as it relates to the RFO.

**Determination**

In accordance with FAR 1.404 and EDAR 3401.404, I hereby issue a class deviation for the use of all RFO model deviation texts and corresponding EDAR deviations. The adoption date for each RFO part model deviation text will be the date of the corresponding Acquisition Alert. EDAR deviation texts may be issued in a separate Acquisition Alert. All Department of Education contracting activities must follow the RFO model deviation texts instead of the FAR Parts codified at 48 CFR. Should the language of the RFO FAR contradict any statutorily granted procurement authorities to the Department of Education including the Office of Federal Student Aid, the statutorily granted authorities prevail.

In the unlikely event that the Department wishes to vary from a RFO model deviation text, a separate deviation will be issued. This class deviation will remain in effect until incorporated into the FAR, EDAR or rescinded.

**RICHARD LUCAS** Digitally signed by RICHARD LUCAS  
Date: 2025.05.31 08:30:12 -04'00'

Richard Lucas

Acting Chief Acquisition Officer (CAO)

Date