



# UNITED STATES DEPARTMENT OF EDUCATION

## OFFICE OF FINANCE AND OPERATIONS

August 5, 2025

### ACQUISITION ALERT 2025-17

TO: Heads of Contracting Activities

FROM: Calvin J. Mitchell Jr. **CALVIN MITCHELL** Digitally signed by CALVIN MITCHELL  
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Senior Procurement Executive  
Date: 2025.08.05 17:22:22 -04'00'

SUBJECT: FAR Class Deviation for FAR Part 35 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 35 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 35.
- 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 35, Research and Development Contracting, moves away from a prescriptive, specialized regulatory framework for research and development (R&D) contracting toward a streamlined structure that empowers acquisition professionals and makes the federal R&D environment more attractive for innovative commercial firms.

The part is streamlined from 25 to 20 components (subparts, sections, subsections) that are reorganized in a more logical flow of the procurement lifecycle. This significant update greatly improves the usability of the content.

Statutory requirements retained in the RFO FAR part 35 model deviation include, but are not limited to, the following:

- 31 U.S.C. § 6303, Using Procurement Contracts
- 10 U.S.C. § 4126, Use of Federally Funded Research and Development Centers

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*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
Retained	<ul style="list-style-type: none"> <li>• The <b>definitions</b> of “Applied Research” and “Development” are retained at 35.001.</li> <li>• The section titled “<b>Policy</b>” (moved from 35.003 to 35.002) is retained and has been streamlined to remove reference to “Recoupment.”</li> <li>• <b>New subparts</b> 35.1, Presolicitation, 35.2, Evaluation and Award, and 35.3, Postaward create logical organization in <b>alignment with the acquisition lifecycle</b>, creating clear points of reference. <ul style="list-style-type: none"> <li>○ “<b>Solicitations</b>” (moved from 35.007 to 35.101) has been updated to include plain language improvements.</li> <li>○ “<b>Broad agency announcements</b>” (moved from 35.016 to 35.102) retains core substance and unique procedures and has been updated with plain language improvements.</li> <li>○ “<b>Evaluation for award</b>” (moved from 35.008 to 35.201) has been updated to include plain language improvements.</li> <li>○ “<b>Scientific and technical reports</b>” (moved from 35.010 to 35.301) has been updated to include plain language improvements.</li> </ul> </li> <li>• Policies and procedures for “<b>Federally Funded Research and Development Centers</b>” (moved from 35.017 to 35.4) are retained with plain language improvements.</li> </ul>
Removed	<ul style="list-style-type: none"> <li>• The definition of “<b>Recoupment</b>” at section 35.001.</li> <li>• Section 35.002, “<b>General</b>” provided the context for R&amp;D contracting. Its removal streamlines the part.</li> <li>• Section 35.004, “<b>Publicizing Requirements</b>” was removed as largely duplicative of FAR part 5.</li> <li>• Section 35.005, “<b>Work Statement</b>” was removed to provide acquisition teams greater flexibility in crafting requirements best suited for the R&amp;D effort.</li> <li>• Section 35.006, “<b>Contracting Methods and Contract Type</b>” was removed as duplicative of FAR part 16.</li> <li>• The sections titled “<b>Subcontracting research and development effort</b>” (35.009), “<b>Data</b>” (35.011), “<b>Patent Rights</b>” (35.012), “<b>Insurance</b>” (35.013), and “<b>Government property and title</b>” (35.014) are removed as they are covered elsewhere in the FAR: Part 44 for Subcontracting; Part 27 for Data and Patents; Part 28 for Insurance; and Part 45 for Government Property.</li> <li>• Section 35.015, “<b>Contracts for research with educational institutions with educational institutions and nonprofit organizations</b>” is removed. However, education institutions</li> </ul>

	<p>are still highlighted as an organization-type that should be considered during evaluation for award at 35.201.</p> <ul style="list-style-type: none"> <li>• Requirements for <b>Standard Form 298, Report Documentation Page</b>, are removed. This provides more flexibility to complete reports in the best suited manner for the R&amp;D effort.</li> </ul>
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This table is not an exhaustive list.

#### 4. Instructions.

- The Department of Education’s acquisition workforce shall follow the RFO Part 35 model deviation text instead of FAR Part 35 as codified at 48 CFR Chapter 1. The Council’s RFO Part 35 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-35> and is incorporated into this class deviation. There is no EDAR Part 3435 and therefore no corresponding changes to the EDAR are necessary.
  - 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 “Practitioner Album: FAR Part 35 – Research and Development Contracting” at [https://www.acquisition.gov/sites/default/files/practitioner\\_albums/far-part-35-research-and-development-contracting/content/index.html#/](https://www.acquisition.gov/sites/default/files/practitioner_albums/far-part-35-research-and-development-contracting/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 35 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  
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Richard Lucas

Acting Chief Acquisition Officer (CAO)

Date