



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF FINANCE AND OPERATIONS

September 12, 2025

ACQUISITION ALERT 2025-22

TO: Heads of Contracting Activities

FROM: Calvin J. Mitchell Jr.
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Senior Procurement Executive

SUBJECT: FAR Class Deviation for FAR Part 4

- 1. Purpose.** This Acquisition Alert (AA) adopts a class deviation to Federal Acquisition Regulation (FAR) Part 4 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 4.
- 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 4, Administrative and Information Matters, has been reorganized within each subpart to follow the acquisition process (i.e., steps to take before solicitation vs. after award). This new structure makes it easier and faster to find needed information at each stage of a procurement. A significant amount of content is also relocated to FAR Part 40 to better align with security requirements.

Statutory requirements and government directives retained in the RFO FAR Part 4 model deviation include, but may not be limited to, the following:

- 26 U.S.C. §§ 6041 et seq, Information Concerning Transactions With Other Persons
- 26 U.S.C. § 6109, Identifying Numbers
- 31 U.S.C. § 6303, Using Procurement Contracts
- 31 U.S.C. § 7701, Taxpayer Identifying Number
- 41 U.S.C. § 1122, Functions, Federal Procurement Data System
- 41 U.S.C. § 1712, Record Requirements
- 41 U.S.C. § 2301, Use of Electronic Commerce in Federal Procurement

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- 41 U.S.C. § 4706, Examination of Facilities and Records of Contractor
- Pub. L. 109-282, Federal Funding Accountability and Transparency Act of 2006
- Pub. L. 113-101, Digital Accountability and Transparency Act of 2014

Change	Description
Retained	<ul style="list-style-type: none"> • The revised part structure consolidates relevant guidance into process-oriented subparts: <ul style="list-style-type: none"> ◦ Subpart 4.1 - Presolicitation ◦ Subpart 4.2 - Solicitation, Evaluation, and Award ◦ Subpart 4.3 - Post-award • Contents of subparts 4.4 - 4.6 are retained, streamlined, and moved throughout the new subpart structure. • Subpart 4.7 “Contractor Records Retention”, is retained and streamlined. • Contents of subparts 4.8 thru 4.23 are either retained, streamlined, and moved throughout the new subpart structure or are moved to new FAR Part 40. • Section 4.000 “Scope of Part”, is retained with updates to remove reference to security prohibitions and exclusions. This content is moved to FAR Part 40. • Section 4.001 “Definitions”, is retained and updated. 4.001 now includes definitions of "Executive", "First-tier subcontract", "Generic entity identifier", and "Total compensation". These terms are consolidated from the former subparts 4.6, 4.14, and 4.17 and now support the post-award reporting requirements in the new subpart 4.3. • Section 4.002 “Electronic Commerce in Contracting”, is a new section that retains the essential contents of section 4.502(a). • Section 4.101 “Contract Files”, significantly updates the requirements for contract files. Best practices for contract files are moved to non-regulatory guidance. • Section 4.201 “Unique Procurement Instrument Identifiers”, is moved from subpart 4.16. The policy regarding the structure and use of PIIDs and supplementary PIIDs is retained and the language is streamlined for clarity. • Section 4.202 “Uniform Use of Line Items”, is moved from subpart 4.10. The substance of the policy is retained. • Section 4.203 “System for Award Management”, represents a significant consolidation of policies from subparts 4.11 (System for Award Management) and 4.12 (Representations and Certifications). It streamlines the list of exceptions to the SAM registration requirement and

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	<p>clarifies the contracting officer's procedures for verifying an offeror's active registration. In another example of streamlining, the model deviation text removes the list of 33 specific representations and certifications from section 4.1202. Instead, the revised provision at 52.204-7 now contains the authoritative list, moving detailed procedural information into the provision itself. Changes to SAM will not be made immediately.</p> <ul style="list-style-type: none"> • Section 4.204 “Taxpayer Identification Information”, consolidates and simplifies the policy from subpart 4.9. It streamlines the text by directly linking the requirement to collect a contractor's Taxpayer Identification Number (TIN) to one of two mechanisms: the contractor's SAM registration through the revised 52.204-7, or, for entities not required to register, the submission of the new provision at 52.204-90 “Offeror Identification”. • Section 4.205 “Personal Identity Verification”, moves and condenses the pre-award policies on Personal Identity Verification (PIV) from subpart 4.13. The post-award requirement concerning the return of PIV cards has been relocated to the new post-award subpart at 4.302. • Sections 4.206 “Contracting Officer's Signature” and 4.207 “Contractor's Signature”, move and update the policies on contract execution from subpart 4.1. A significant modernization is the explicit acceptance of digital signatures for both Government and contractor personnel, provided they use a certificate from a PIV or Common Access Card (CAC). This formally recognizes and standardizes a common business practice in the digital age. • Section 4.208 “Solicitation Provisions and Contract Clauses”, serves as a consolidated prescription hub for all provisions and clauses related to the solicitation and award phase. It gathers the prescriptions previously scattered across multiple sections (e.g., 4.1105, 4.1303, 4.1403, etc.), providing a single point of reference for readers. • Section 4.301 “Contract Reporting”, consolidates and streamlines the reporting requirements from subpart 4.6. It governs the requirements for reporting in the Federal Procurement Data System (FPDS). • Section 4.303 “Service Contracts Inventory”, moves and updates the reporting requirements from subpart 4.17. However, reporting is also no longer required for commercial services contracts. • Sections 4.304 “System for Award Management” and
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	<p>4.305 “Contractor Identification”, contain the post-award maintenance requirements for SAM and other contractor identifiers. This content has been moved from section 4.1102(d) and subpart 4.18. Creating these distinct post-award sections provides a clear separation between the pre-award requirement to register in SAM and the ongoing post-award obligation to maintain that information.</p> <p>Section 4.306 “Executive Compensation”, moves the post-award reporting requirement for executive compensation and first- tier subcontracts from subpart 4.14. However, this reporting is also no longer required for commercial product and services contracts.</p> <ul style="list-style-type: none"> • Section 4.307 “Payment Office”, consolidates the various requirements for providing essential information to the payment office (such as TIN, UEI, and EFT) that were embedded within other areas, such as sections 4.203 and 4.902. • Sections 4.308 “Contract Closeout” and 4.309 “Storage, Handling, and Contract Files”, move and reorganize the content from sections 4.804 and 4.805. • The following provisions and clauses are retained with no changes. <ul style="list-style-type: none"> ○ 52.204-5, Women-Owned Business (Other Than Small Business) ○ 52.204-9, Personal Identity Verification of Contractor Personnel ○ 52.204-19, Incorporation by Reference of Representations and Certifications • The following provisions and clauses are retained with plain language and other edits. <ul style="list-style-type: none"> ○ 52.204-10, Reporting Executive Compensation and First- Tier Subcontract Awards ○ 52.204-14, Service Contract Reporting Requirements ○ 52.204-15, Service Contract Reporting Requirements for Indefinite-Delivery Contracts • Several provisions and clauses are consolidated into new provisions and clauses. This consolidation provides significant changes to reflect acquisitions with and without SAM registration, and to reflect pre- and post-award requirements. <ul style="list-style-type: none"> ○ Updated Provision 52.204-7, System for Award Management–Registration and New Provision 52.204-90, Offeror Identification, consolidate the following provisions:
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	<ul style="list-style-type: none"> ■ 52.204-3, Taxpayer Identification ■ 52.204-6, Unique Entity Identifier ■ 52.204-8, Annual Representations and Certifications ■ 52.204-16, Commercial and Government Entity Code Reporting ■ 52.204-17, Ownership or Control of Offeror ■ 52.204-20, Predecessor of Offeror ○ Updated Clause 52.204-13, System for Award Management–Maintenance and New Clause 52.204-91, Contractor Identification consolidate the following clauses <ul style="list-style-type: none"> ■ 52.204-12, Unique Entity Identifier Maintenance ■ 52.204-18, Commercial and Government Entity Code Maintenance
Removed	<ul style="list-style-type: none"> ● The model deviation text deletes subpart 4.2 “Contract Distribution”. This subpart, which prescribed procedures for distributing paper copies of contracts, is now obsolete in an acquisition environment dominated by electronic contract writing, signature, and distribution systems. Essential notification requirements, such as informing the payment office, are now covered in other sections, to include the new 4.307. ● Subparts 4.4, 4.19, 4.20, 4.21, 4.22, and 4.23 are all security-related and are relocated to RFO FAR Part 40. ● The following provisions and clauses are removed and incorporated into RFO FAR Part 40. <ul style="list-style-type: none"> ○ 52.204-2 Security Requirements. ○ 52.204-21 Basic Safeguarding of Covered Contractor Information Systems. ○ 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab Covered Entities. ○ 52.204-24, Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment. ○ 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. ○ 52.204-26, Covered Telecommunications Equipment or Services—Representation. ○ 52.204-27, Prohibition on a ByteDance Covered Application. ○ 52.204-28, Federal Acquisition Supply Chain Security Act Orders—Federal Supply Schedules, Governmentwide

	<p>Acquisition Contracts, and Multi-Agency Contracts.</p> <ul style="list-style-type: none"> ○ 52.204-29, Federal Acquisition Supply Chain Security Act Orders—Representation and Disclosures. ○ 52.204-30, Federal Acquisition Supply Chain Security Act Orders—Prohibition. ● The following provisions and clauses are removed as they are obsolete. <ul style="list-style-type: none"> ○ 52.204-1, Approval of Contract. ○ 52.204-22, Alternative Line Item Proposal.
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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 4 and corresponding 52 model deviation text instead of FAR Part 4 and 52 as codified at 48 CFR Chapter 1. The Council’s RFO Part 4 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-4> and is incorporated into this class deviation. A separate Acquisition Alert will be issued for any corresponding changes to the EDAR.
- For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at [RFO FAR Part 52](#). 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 any solicitation or contract using RFO provisions or clauses, contracting officers may include the following language:
“System updates may lag policy updates. The System for Award Management (SAM) may continue to require entities to complete representations based on provisions that are not included in this solicitation. Contracting officers will rely on representations from offers based on provisions in the solicitation. Entities are not required to, nor are they able to, update their entity registration to remove these representations in SAM.”
- 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 4 – Administrative and Information Matters” at https://www.acquisition.gov/sites/default/files/practitioner_albums/far-part-4-administrative-and-information-matters/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 4 is effective November 3 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