



# UNITED STATES DEPARTMENT OF EDUCATION

## OFFICE OF FINANCE AND OPERATIONS

September 18, 2025

### ACQUISITION ALERT 2025-28

TO: Heads of Contracting Activities

FROM: Calvin J. Mitchell Jr.  
Deputy Assistant Secretary for the Office of Acquisition Management  
Senior Procurement Executive

SUBJECT: FAR Class Deviation for FAR Part 9

- 1. Purpose.** This Acquisition Alert (AA) adopts a class deviation to Federal Acquisition Regulation (FAR) Part 9 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 9.
- 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 9, largely based in statute - establishes the standards and procedures for determining contractor responsibility and eligibility for federal contracts, ensuring that only qualified, reliable contractors receive government awards. It protects the government's interests by requiring contractors to demonstrate they have adequate financial resources, technical capability, integrity, and past performance to successfully fulfill contract requirements.

Statutory requirements and presidential directives retained in the RFO FAR Part 9 model deviation include, but are not limited to, the following:

- 6 U.S.C. § 395, Prohibition on Contracts with Corporate Expatriates
- 10 U.S.C. § 3206 and 41 U.S.C. § 3306, Planning and Solicitation Requirements
- 10 U.S.C. § 3243 and 41 U.S.C. § 3311, Qualification Requirements
- 22 U.S.C. § 2593e, Measures Against Activities that Violate Arms Control Treaties

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- 41 U.S.C. § 113, Responsible Source
- 41 U.S.C. § 2303, Ethics Safeguards Related to Contractor Conflicts of Interest
- 41 U.S.C. § 2304, Conflict of Interest Standards for Consultants
- 41 U.S.C. § 2313, Database for Suspension and Debarment Officials
- Pub. L. 103-355 Sec 2455, Uniform Suspension and Debarment
- Pub. L. 111-84 Sec 815, Clarification of Uniform Suspension and Debarment Requirement
- Pub. L. 117-324, Preventing Organization Conflicts of Interest in Federal Acquisition
- E.O. 12549 and E.O. 12689, Debarment and Suspension

Change	Description
Retained	<ul style="list-style-type: none"> <li>● Subparts <b>9.1, 9.2, and 9.3</b> are significantly streamlined with some shifting and reorganizing of sections and subsections throughout.</li> <li>● Subparts 9.4 “<b>Debarment, Suspension, and Ineligibility</b>”, and 9.5 “<b>Organizational and Consultant Conflicts of Interest</b>”, are retained and updated with plain language edits.</li> <li>● All <b>existing provisions and clauses</b> are retained (or remain reserved if previously reserved) with no changes to the text.</li> </ul>
Removed	<ul style="list-style-type: none"> <li>● Section 9.000 “<b>Scope of Part</b>”, has been removed as the language was duplicative.</li> <li>● The definition of “<b>Surveying activity</b>” has been removed from section 9.101, “Definitions”.</li> <li>● Section 9.104-2 “<b>Special Standards</b>”, has been removed and may be moved to non-regulatory content.</li> <li>● Section 9.106 “<b>Preaward Surveys</b>”, has been removed and may be moved to non-regulatory content. This includes the reference to utilizing the Standard Form 1403, <i>Preaward Survey of Prospective Contractor (General)</i>.</li> <li>● Section 9.107 “<b>Surveys of Nonprofit Agencies Participating in the AbilityOne Program</b>” has been removed. The AbilityOne Program is covered in Part 8 and nuances of pre-award surveys relevant to the AbilityOne Program are now covered in non-regulatory content.</li> <li>● Subpart 9.6 “<b>Contractor Team Arrangements</b>”, has been removed and may be moved to non-regulatory content.</li> <li>● Subpart 9.7 “<b>Defense Production Pools and Research and Development Pools</b>”, has been removed and may be moved to non-regulatory content.</li> </ul>

This table is not an exhaustive list.

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#### 4. Instructions.

- The Department of Education’s acquisition workforce shall follow the RFO Part 9 model deviation text instead of FAR Part 9 as codified at 48 CFR Chapter 1. The Council’s RFO Part 9 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-9> and is incorporated into this class deviation. A separate Acquisition Alert will be issued for any corresponding changes to the EDAR.
  - 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 9 - Contractor Qualifications” at [https://www.acquisition.gov/sites/default/files/practitioner\\_albums/far-part-9-contractor-qualifications/content/index.html#/](https://www.acquisition.gov/sites/default/files/practitioner_albums/far-part-9-contractor-qualifications/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 9 is effective November 3, 2025, 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