



OFFICE OF MISSION SUPPORT

WASHINGTON, D.C. 20460

MEMORANDUM

DATE: October 3, 2025

SUBJECT: Environmental Protection Agency (EPA) Interim Policy Notice (IPN) 25-30, Federal Acquisition Regulation (FAR) Class Deviation, RFO-2025-33, for FAR Part 33 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

FROM: Stefan Martiyan
EPA Senior Procurement Executive
Office of Acquisition Solutions

TO: EPA Acquisition Community

1. Purpose. This IPN approves a class deviation to the FAR for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 33.

2. Background. [Executive Order \(E.O.\) 14275 on Restoring Common Sense to Federal Procurement](#) signed April 15, 2025, mandates a comprehensive review and simplification of the FAR.

The FAR is being updated to:

- Eliminate non-statutory language
- Remove redundant or obsolete language
- Enhance clarity through plain language
- Align with the new FAR framework
- Preserve essential governmentwide acquisition standards

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

3. Summary of Changes. FAR Part 33, Protests, Disputes, and Appeals, has been updated to reflect administration priorities to reduce protests and resolve protests at the lowest level possible. The update represents a significant and deliberate modernization of a critical component of the federal procurement system and is aimed at increasing efficiency, clarity, and fairness in federal acquisitions.

Statutory requirements and presidential directives retained in the RFO FAR Part 33 model deviation include, but may not be limited to, the following:

- 5 U.S.C. §§ 571 et seq, Administrative Dispute Resolution Act (ADRA)
- 31 U.S.C. § 1558, Availability of Funds Following Resolution
- 31 U.S.C. §§ 3551 et seq, Procurement Protest System
- 41 U.S.C. §§ 7101 et seq, Contract Disputes
- E.O. 12979, Agency Procurement Protests

Change	Description
Added	• New purpose statement at 33.100, “Purpose of the Bid Protest System”. The new purpose statement sets forth the objectives of the bid protest process (e.g., promote integrity in the process, deter abuse of the bid protest process), and emphasizes that it is not intended to serve as a way for offerors to get additional insight or be used by incumbents to delay contract transition. New purpose statement at 33.100, “Purpose of the Bid Protest System”. The new purpose statement sets forth the objectives of the bid protest process (e.g., promote integrity in the process, deter abuse of the bid protest process), and emphasizes that it is not intended to serve as a way for offerors to get additional insight or be used by incumbents to delay contract transition. Processes within the types of protests are broken down into pre-award and post-award actions for ease of the reader. • New requirements applicable to “Protests to the Agency”. ○ 33.104-4(a)(4)(ii) - Contracting officers are required to report protests to the head of contracting activity (HCAs) as soon as practicable after filing. ○ 33.104-4(a)(5)(ii) - Protesters electing independent review at a level above the CO must be provided a redacted copy of the source selection decision and be provided an opportunity to submit a supplemental statement to the independent review official. ○ These new requirements are expected to increase confidence in the agency protest process, capture more data at the agency level on protests filed with contracting officers, allow for agency management to respond to procurement issues raised in protests, and resolve more protests at the agency level since protesters will have more information available to them.
Retained	• Most of the “Definitions” now at section 33.102 are retained with only minor, non-substantive wording changes. Only the definition of “Protest venue” was removed, as it is unnecessary considering other changes within the part. • “Protests to the Agency”, now at section 33.104 is retained, with key changes: ○ The section is completely reorganized into four distinct subsections for improved clarity and usability. ○ The distinct subsections logically separate the rules for pre-award and post-award protests, which were previously intermingled in paragraphs (e) and (f) of section 33.103. ○ The section retains the requirement for parties to attempt resolution through "open and frank discussions" before filing a formal protest. • “Protests to GAO”, now at 33.105, is retained and significantly streamlined. The previous content on protests to GAO was a lengthy, detailed section

	that essentially summarized many of the procedural rules found in GAO's own regulations. This section now removes this duplication and points contracting officers to the GAO procedures at 4 CFR Part 21, "Bid Protest Regulations", instead of repeating them in the FAR. - Numerous procedural sections have been consolidated into a single, overarching section titled "Postaward" at 33.205. Separate sections on initiation of a claim (former 33.206), contractor certification (former 33.207), interest on claims (former 33.208), the contracting officer's decision (former 33.211), and Alternative Dispute Resolution (former 33.214), among others, are now reorganized as subsections under 33.205, creating a more intuitive, step-by-step guide to the post-award claims process. - All clauses and provisions for this part are retained, with plain language and streamlining updates. 52.233-1 Disputes, revised to now describe what a defective certification means. 52.233-2 Service of Protest, revised to require protests to be shared with the contracting office within one day of filing with the GAO. 52.233-3 Protest After Award, revised to describe steps for protests post award, such as stop work orders. 52.233-4 Applicable Law for Breach of Contract Claim, remains the same that U.S. law will be applied to address breach.
Removed	Section 33.212, "Contracting Officer's Duties Upon Appeal," is removed. The section created a general obligation for the contracting officer to provide data, documentation, information, and support to the agency Boards of Contract Appeals (BCA) upon appeal. The contracting officer's requirements are dictated by the procedural rules of the adjudicative body and do not need to be stated in the FAR.

*This table is not an exhaustive list.

4. Instructions. The EPA acquisition workforce must follow the RFO Part 33 model deviation text instead of FAR Part 33 as codified at 48 CFR Chapter 33. The Council's RFO Part 33 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul) and is incorporated into this class deviation. Also:

- 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. However, if removed provisions or clauses remain in the open solicitations or awarded contracts, the contracting officer may be required to separately address certain aspects in the contract.

5. Applicability. This class deviation applies to all EPA procurements.

6. Authority. This class deviation is issued under the authority of E.O. 14275, [OMB M-25-26](#), and 48 CFR 1.4 and RFO FAR 1.304.

7. Effective Date. This class deviation is effective immediately and remains in effect until rescinded or incorporated into the FAR.

8. Points of Contact. Questions regarding this class deviation may be directed to OMS-ARM-OAS-AcquisitionPolicy@epa.gov.