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GSA Office of Governmentwide Policy

RFO-2025-33

## MEMORANDUM FOR GSA CONTRACTING ACTIVITIES

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Signed by:

Jeffrey Koses

SUBJECT: FAR Class Deviation for FAR Part 33 in Support of Executive Order 14275, Restoring Common Sense to Federal Procurement

**1. Purpose.** This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) part 33 for the purpose of implementing the FAR Council's model deviation to FAR part 33.

**2. Background.** [Executive Order \(E.O.\) 14275, 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	<ul style="list-style-type: none"> <li>• New <b>purpose statement</b> at 33.100, “Purpose of the Bid Protest System”. The new purpose statement sets forth the <b>objectives</b> of the bid protest process (e.g., promote integrity in the process, deter abuse of the bid protest process), and emphasizes that it is <b>not intended to</b> serve as a way for offerors to get additional insight or be used by incumbents to delay contract transition.</li> <li>• <b>Processes</b> within the types of protests are broken down into <b>pre-award and post-award actions</b> for ease of the reader.</li> <li>• New requirements applicable to “<b>Protests to the Agency</b>”. <ul style="list-style-type: none"> <li>○ 33.104-4(a)(4)(ii) - Contracting officers <b>are required to report protests to the head of contracting activity (HCAs)</b> as soon as practicable after filing.</li> <li>○ 33.104-4(a)(5)(ii) - Protesters electing independent review at a level above the CO <b>must be provided</b> a redacted copy of the source selection decision, and be provided an opportunity to submit a supplemental statement to the independent review official.</li> <li>○ These new requirements are expected to <b>increase confidence in the agency protest process</b>, 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.</li> </ul> </li> </ul>
Retained	<ul style="list-style-type: none"> <li>• Most of the “<b>Definitions</b>” 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.</li> <li>• “<b>Protests to the Agency</b>”, now at section 33.104 is retained, with key changes: <ul style="list-style-type: none"> <li>○ The section is completely reorganized into four distinct subsections for improved clarity and usability.</li> <li>○ 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.</li> <li>○ The section retains the requirement for parties to attempt resolution through “<b>open and frank discussions</b>” before filing a formal protest.</li> </ul> </li> <li>• “<b>Protests to GAO</b>”, 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</li> </ul>

	<p>GAO procedures at 4 CFR Part 21, “Bid Protest Regulations”, instead of repeating them in the FAR.</p> <ul style="list-style-type: none"> <li>• Numerous procedural sections have been consolidated into a single, <b>overarching section titled “Postaward”</b> 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.</li> <li>• All <b>clauses and provisions</b> for this part are retained, with plain language and streamlining updates. <ul style="list-style-type: none"> <li>○ 52.233-1 Disputes, revised to now describe what a defective certification means.</li> <li>○ 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.</li> <li>○ 52.233-3 Protest After Award, revised to describe steps for protests post award, such as stop work orders.</li> <li>○ 52.233-4 Applicable Law for Breach of Contract Claim, remains the same that U.S. law will be applied to address breach.</li> </ul> </li> </ul>
Removed	<ul style="list-style-type: none"> <li>• Section 33.212, “<b>Contracting Officer's Duties Upon Appeal</b>”, 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.</li> </ul>

This table is not an exhaustive list.

#### 4. Instructions.

- The GSA acquisition workforce must follow the RFO part 33 and corresponding 52 model deviation text instead of FAR part 33 and 52 as codified at 48 CFR Chapter 1. The Council's RFO part 29 model deviation text is available [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul), and is incorporated into this class deviation.
- 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](#).
- 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.

- Contracting activities must review templates and related standard operating procedures to align with this class deviation and remove unnecessary processes and steps.

**5. Applicability.** This class deviation applies to all GSA procurements.

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

**7. Effective Date.** This class deviation is effective November 3, 2025 and remains in effect until rescinded or incorporated into the FAR.

**8. Points of Contact.** Try asking [GSAi](#) first (upload the new RFO language and GSA's implementing deviation, and ask your question). If you still need clarification, you may email the GSA Acquisition Policy Division at [GSARPolicy@gsa.gov](mailto:GSARPolicy@gsa.gov).