



FAR CLASS DEVIATION 2025-11

MEMORANDUM TO: Heads of the Contracting Activities (HCAs)

FROM: Jennifer D. Johnson Jennifer Johnson
Jennifer Johnson (Sep 17, 2025 12:49:55 EDT)
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Office of Acquisitions (OA)
Office of Assistant Secretary for Financial Resources (ASFR)
Department of Health and Human Services (HHS)

SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation (CD) No. 2025-11 in Support of Executive Order (EO) 14275, "Restoring Common Sense to Federal Procurement;" Deviation to FAR Parts 7, 24, 28, 30, 44, 48 and Applicable Portions of 52.

1. EFFECTIVE DATE:

November 3, 2025

2. EXPIRATION DATE:

This CD remains in effect until the changes described herein are incorporated in the FAR, superseded, or otherwise rescinded.

3. PURPOSE:

This FAR CD implements requirements to comply with [EO 14275, Restoring Common Sense to Federal Procurement](#), for the purposes of implementing the Federal Acquisition Regulatory Council's changes to RFO FAR parts 7, 24, 28, 30, 44, 48 and Applicable Portions of 52. It also incorporates and adopts the FAR Council's model deviation text to the affected FAR parts.

4. APPLICABILITY:

The requirements in this CD apply to all HHS Divisions for applicable solicitations, contracts, and orders.

5. ROLES AND RESPONSIBILITIES:

Heads of the Contracting Activities (HCAs) must ensure this CD is disseminated to the acquisition workforce and ensure compliance with the requirements in the CD. Additionally, HCAs must review and update any applicable internal procedures and guidance to reflect the policies and guidance contained herein.

6. BACKGROUND:

On April 15, 2025, EO 14275, *Restoring Common Sense to Federal Procurement*, was signed. Section 2 of the EO 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- Remove duplicative or outdated language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. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

On August 28, 2025, the FAR Council issued the RFO model deviation text for RFO FAR parts 28, 30, and 48. On September 04, 2025, the FAR Council issued RFO model deviation text for RFO FAR parts 7, 24, and 44.

7. POLICY/GUIDANCE:

HHS contracting staff must comply with the following:

- A. Follow the RFO FAR parts 7, 24, 28, 30, 44, 48, including the corresponding part 52 model deviation text, instead of FAR parts 7, 24, 28, 30, 44, 48 and applicable portions of 52, as codified at 48 CFR Chapter 1. The Council’s RFO model deviation texts are available in the [FAR Overhaul](#) section at [Acquisition.gov](#), and are incorporated into this CD.

B. When issuing new solicitations, contracts, or orders:

1. **Do not include** any of the removed provisions or clauses (i.e., any provisions or clauses marked as “[Reserved]” on the [RFO FAR part 52](#) page).
2. **Include** the applicable provisions and clauses listed on the [RFO FAR part 52](#) page.
 - i. **For deviated provisions or clauses, (i.e., any provisions or clauses marked with “(DEVIATION DATE)”**), utilize the RFO FAR model deviation text at [RFO FAR part 52](#).

C. For open solicitations:

1. **Amend the solicitation to remove** any provisions and clauses that have been removed by the RFO FAR model deviation text (i.e., any provisions or clauses marked as “[Reserved]” on the [RFO FAR part 52](#) page).

2. **Amend the solicitation to include or update** any applicable deviated provisions or clauses (i.e., any provision or clauses marked with “(DEVIATION DATE)”) to reflect the RFO FAR model deviation text at [RFO FAR part 52](#).

D. For existing contracts and orders:

1. **At the next available opportunity, modify the contract or order to remove** any clauses that have been removed by the RFO FAR model deviation text (i.e., any clauses marked as “[Reserved]” on the [RFO FAR part 52](#) page).
2. **At the next available opportunity, modify the contract or order to include or update** any applicable deviated clauses (i.e., any clauses marked with “(DEVIATION DATE)”) to reflect the RFO FAR model deviation text at [RFO FAR part 52](#).

E. When using RFO provisions or clauses, include the following System for Award Management (SAM) language in the solicitation or contract:

“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.”

8. AUTHORITY:

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

9. DEVIATION:

The RFO FAR parts 7, 24, 28, 30, 44, 48 model deviation text, and corresponding FAR part 52 model deviation text, are available at <https://www.acquisition.gov/far-overhaul>, and are incorporated into this CD.

Summary of Changes:

FAR part 7, Acquisition Planning, is streamlined to emphasize flexibility and move away from prescriptive checklists in favor of a dynamic planning process. The deviation recognizes the distinctions between task and delivery orders and award of new contracts, requiring appropriate acquisition planning for each. The placing of task and delivery orders is a faster and more streamlined process with significantly less pre-award actions required than in awarding new contracts. The level of detail should vary with the size and complexity of the acquisition. The deviation to part 7 also picks up on requirements previously found in FAR 10 to ensure small business concerns are appropriately considered. Requirements for bundling, substantial bundling, and consolidation are unified to ensure common consideration of any potential negative impact on small business. While there is no longer a requirement for acquisition plans with specific elements, there should still be forethought in what is being procured. Having a plan is key to ensuring the guiding principles of the acquisition system are met. By emphasizing early engagement, this change creates more opportunities to foster innovation and achieve successful results, reflecting a shift toward a more agile and strategic approach.

FAR part 24, Protection of Privacy and Freedom of Information, has been retained with minimal deletions and minor updates made for plain language. No changes were made to provisions or clauses. The only change of note is section 24.301 is deleted. This section outlined requirements for contractors to provide their employees with privacy training. The content is duplicative as it is already covered in clause 52.224-3.

FAR part 28, Bonds and Insurance, all content has been retained with minimal deletions and minor updates made for plain language. No changes were made to provisions or clauses.

FAR part 30, Cost Accounting Standards Administration, has undergone a comprehensive revision that includes a complete structural reorganization to align with the acquisition lifecycle, enhanced clarity, and a strategic consolidation of policies coupled with the elimination of obsolete requirements.

FAR part 44, Subcontracting Policies and Procedures, has been updated to create a more agile, risk-based, and efficient system that empowers contracting officers, reduces administrative burdens on contractors, and encourages broader participation from the commercial sector.

FAR part 48, Value Engineering, has been updated to be more direct, active, and accessible. The model deviation text removes nearly 3,000 words (70%) from the current language.

Statutory requirements and government directives retained in the affected RFO FAR model deviation text include, but are not limited to, the following:

RFO FAR part 7:

- 41 U.S.C. §§ 3301 et seq, Planning and Solicitation
- 10 U.S.C. § 3453, Preference for Commercial Products and Commercial Services
- 15 U.S.C. § 657q, Consolidation of Contract Requirements
- 15 U.S.C. § 644, Awards or Contracts
- Pub. L. 115-254, Sec 555, Cost-Effectiveness Analysis of Equipment Rental
- OFPP Policy Letter 11-01, Performance of Inherently Governmental and Critical Functions

RFO FAR part 24:

- 5 U.S.C. § 552, as amended, Freedom of Information Act
- 5 U.S.C. § 552a (Pub. L. 93-579), Privacy Act of 1974
- 5 U.S.C. § 574, Confidentiality
- 10 U.S.C. § 3309 and 41 U.S.C. § 4702, Prohibition on Release of Contractor Proposals
- 10 U.S.C. § 3705 and 41 U.S.C. § 3505, Submission of Other Information
- OMB Circular No. A-130, Managing Information as a Strategic Resource

RFO FAR part 28:

- 15 U.S.C. §§ 694a et seq, Surety Bond Guarantees
- 31 U.S.C. §§ 3901 et seq, Prompt Payment
- 31 U.S.C. §§ 9301 et seq, Sureties and Surety Bonds
- 40 U.S.C. §§ 3131 et seq, Bonds

- 42 U.S.C. §§ 1651 et seq, Defense Base Act
- Pub. L. 103-355 Sec 2091, Government-wide Application of Payment Protections for Subcontractors and Suppliers
- Pub. L. 114-92 Sec 874, Surety Bond Requirements and Amount of Guarantee

RFO FAR part 30:

- 10 U.S.C. § 3702, Required Cost or Pricing Data and Certification
- 10 U.S.C. § 3761, Restructuring Costs
- 26 U.S.C. § 6621, Determination of Rate of Interest
- 41 U.S.C. §§ 1501 et seq, Cost Accounting Standards
- Pub. L. 100-679 Sec 5, Cost Accounting Standards Board
- Pub. L. 106-65 Sec 802, Streamlined Applicability of Cost Accounting Standards

RFO FAR part 44:

- 10 U.S.C. § 3322(c) and 41 U.S.C. § 3905(c), Advance Notice of Certain Subcontracts
- 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services

RFO FAR part 48:

- 41 U.S.C. § 1711, Value Engineering
- OMB Circular A-131, Value Engineering

FAR Part	Change	Description
7	New/Retained/Updated	<ul style="list-style-type: none"> • <u>Updated:</u> In section 7.000, “Scope of Part”, para (a) is revised from "Developing acquisition plans" to "Acquisition planning and developing acquisition plans". This broadens the scope to encompass the entire planning process, not just the act of creating a document. • <u>Retained:</u> The definitions at 7.101, “Definitions”, are retained and most have been simplified to improve clarity. • <u>New:</u> Section 7.102 is renamed “Requirements” and establishes the fundamental requirement for acquisition planning in all acquisitions. It mandates that agencies establish procedures for determining whether a written or oral plan is needed and lists high-level outcomes that planning must promote: <ul style="list-style-type: none"> ○ Acquisition of commercial products or services ○ Full and open competition ○ Selection of appropriate contract type ○ Use of existing contracts <p>Note - Although 7.102 gives agencies discretion in establishing procedures for written or oral plans, 7.102(d) retains the</p>

FAR Part	Change	Description
		<p>requirement to use a written plan for cost reimbursement and other high-risk contracts.</p> <ul style="list-style-type: none"> • <u>Updated:</u> Section 7.103, “Agency-head Responsibilities”, is updated from a long list of specific tasks to a list of high-level responsibilities, such as creating streamlined procedures for different acquisition types (e.g., orders, commercial products and services), establishing criteria for high-risk contracts, and ensuring small business opportunities are considered. • <u>Updated:</u> Section 7.104, “General Procedures”, is updated to highlight that early planning can create opportunities to structure the procurement approach in a way that promotes competition and innovation. <ul style="list-style-type: none"> ○ Practitioners should review the FAR Companion Guide for best practices for innovative acquisition planning techniques. • <u>Updated:</u> Section 7.107, “Additional Requirements for Acquisitions Involving Consolidation, Bundling, or Substantial Bundling”, is updated to streamline and standardize the analysis, determination, and notification requirements – there are no longer separate requirements for each, with the goal of ensuring this important step in the acquisition process is understood by the workforce. <ul style="list-style-type: none"> ○ 7.107-1(a) retains the requirement for market research before conducting an acquisition that consolidates or bundles requirements. • <u>Updated:</u> Section 7.108, “Additional Requirements for Teleworking”, is updated to reflect modern terminology and simplified language. For example, the term “telecommuting” has been updated to “teleworking”. • <u>Updated:</u> Section 7.403, formerly titled "General Services Administration Assistance and OMB Guidance," has been retitled "OMB Guidance". Paragraphs (a) and (b) of the former section, which described the types of assistance available from GSA, have been removed. The content of the former paragraph (c), which provides references to relevant OMB circulars, has been retained and updated with new hyperlinks. The removal of the GSA assistance information streamlines the text by deleting content that is informational rather than regulatory. The process agencies use to perform a lease-versus-purchase analysis remains intact in clause 52.207-5. • <u>Retained:</u> Subpart 7.5, “Inherently Governmental Functions”, is retained and revised for clarity and readability, primarily through plain-language edits and structural reorganization.

FAR Part	Change	Description
		<ul style="list-style-type: none"> • Retained clauses and provisions, with no changes in text: <ul style="list-style-type: none"> ○ 52.207-4 Economic Purchase Quantity—Supplies ○ 52.207-5 Option To Purchase Equipment ○ 52.207-6 Solicitation of Offers from Small Business Concerns and Small Business Teaming Arrangements or Joint Ventures (Multiple-Award Contracts)
7	Removed	<ul style="list-style-type: none"> • Section 7.105, “Contents of Written Acquisition Plans” is removed and marked “Reserved.” Relevant content will be reflected in the FAR Companion Guide. • Section 7.200, “Scope of Subpart” regarding economic quantities of purchases, has been deleted and marked “Reserved” as it is unnecessary. • Section 7.204, “Responsibilities of Contracting Officers” has been deleted as the content is covered by FAR 52.207-4. • Subpart 7.3, “Contractor Versus Government Performance”, and its underlying sections have been deleted and marked “Reserved” as Congress has consistently placed a statutory hold on A-76 competitions since 2008. • The following clause and provisions are removed: <ul style="list-style-type: none"> ○ ○ 52.207-1 Notice of Standard Competition ○ ○ 52.207-2 Notice of Streamlined Competition ○ ○ 52.207-3 Right of First Refusal of Employment
24	Retained	<ul style="list-style-type: none"> • Content in FAR part 24 has been retained with minimal deletions and minor updates made for plain language.
24	Removed	<ul style="list-style-type: none"> • Section 24.301 is deleted. This section outlined requirements for contractors to provide their employees with privacy training. The content is duplicative as it is already covered in clause 52.224-3.
28	Retained	<ul style="list-style-type: none"> • All content in FAR part 28, Bonds and Insurance, has been retained with minimal deletions and minor updates made for plain language.
28	Removed	<ul style="list-style-type: none"> • N/A
30	Retained	<ul style="list-style-type: none"> • The revised part structure consolidates all relevant guidance into process-oriented subparts: <ul style="list-style-type: none"> ○ Subpart 30.1 - General ○ Subpart 30.2 - Presolicitation ○ Subpart 30.3 - Evaluation and Award ○ Subpart 30.4 - Postaward

FAR Part	Change	Description
		<ul style="list-style-type: none"> • “Definitions” at 30.001, are retained, streamlined, and updated for clarity. • Subpart “30.1 - General” is retained and updated to consolidate helpful reference information: <ul style="list-style-type: none"> ○ The references in the previously reserved Subparts 30.3 (CAS Rules and Regulations), 30.4 (Cost Accounting Standards), and 30.5 (Cost Accounting Standards for Educational Institutions) have been moved into the new section 30.101 as paragraphs (e), (f), and (g). ○ References for cognizant Federal agency official (CFAO) and auditor responsibilities and disclosure requirements are added as paragraphs (c) and (d). This information was previously buried deeper within the regulation in Subpart 30.2. ○ Note - The FAR Companion Guide provides best practice considerations for coordination with the cognizant Federal agency official (CFAO). • Subpart “30.2 - Presolicitation” now logically groups all CAS-related determinations and requirements that a contracting officer must address before a solicitation is issued. It retains, but reorganizes, content such as waiver information and exemptions. <ul style="list-style-type: none"> ○ Note - The FAR Companion Guide provides best practice considerations for exemptions and waivers. • Subpart “30.3 - Evaluation and Award” now logically groups all CAS-related activities that occur after proposals are received but before a contract is awarded. It retains and reorganizes content such as contractor disclosure statements and processing changes identified pre-award (e.g., unilateral, or desirable changes to a contractor's cost accounting practices identified during the evaluation phase). • Subpart “30.4 - Postaward” is now the comprehensive location for all postaward CAS administration activities. It retains and reorganizes content such as CAS administration responsibilities, processing changes, materiality, remedies, resolving cost impacts, and subcontract administration. • The following provisions and clauses are retained with edits (mostly to reflect new cross-references within the part). <ul style="list-style-type: none"> ○ 52.230-1 Cost Accounting Standards Notices and Certifications <ul style="list-style-type: none"> ▪ Alternate I is deleted. This alternate applied only to contracts with educational institutions contemplated prior to July 1, 1997. As this date is

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		<p>long past, the alternate is obsolete, and its removal updates the regulation</p> <ul style="list-style-type: none"> ○ 52.230-2 Cost Accounting Standards ○ 52.230-3 Disclosure and Consistency of Cost Accounting Practices ○ 52.230-4 Disclosure and Consistency of Cost Accounting Practices-Foreign Concerns ○ 52.230-5 Cost Accounting Standards-Educational Institution ○ 52.230-6 Administration of Cost Accounting Standards ● The following provision was retained with no changes to the text: <ul style="list-style-type: none"> ○ 52.230-7 Proposal Disclosure-Cost Accounting Practice Changes
30	Removed	<ul style="list-style-type: none"> ● There are no longer six subparts. Content from subparts 30.5 and 30.6 is moved and reorganized within the new part structure. ● The contact information for "Cost Accounting Standards Board Publication," formerly at section 30.102, is removed and the part now includes a direct hyperlink to the electronic Code of Federal Regulations (eCFR) providing immediate access to the source regulations. ● The prescription at 30.201-3(b), which applied to awards contemplated to an educational institution prior to 1997 is obsolete and removed. ● Instructions for contracting officers to support the determination of a contract's exemption from cost accounting standards was moved from 30.202-7 (Adequacy determinations) to the FAR Companion Guide.
44	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 44.1 - Reserved ○ Subpart 44.2 - Evaluation and Award ○ Subpart 44.3 - Postaward ○ Subpart 44.4 - Subcontracts for Commercial Products and Commercial Services ● Most of the "Definitions", now at section 44.001 are retained with only minor, non-substantive wording changes, with the exception of "approved purchasing system". This definition can still be found at clause 52.244-2.

FAR Part	Change	Description
		<ul style="list-style-type: none"> • Subpart 44.2 has been significantly streamlined to consolidate policies related to subcontract consent, advance notification, and the contracting officer's evaluation process. <ul style="list-style-type: none"> ○ The previous section 44.202-2(a) contained a detailed, 13-point checklist of considerations that the contracting officer was required to consider "at a minimum" for every consent request. Now, the new 44.201-3(b) provides a shorter, higher-level list of four situations that necessitate "careful and thorough review and consideration" of the request to subcontract. ○ Note that the FAR Companion Guide is expected to provide additional guidance on notice and consent best practices for commercial time and materials contracts. • Subpart 44.3 is reorganized and streamlined into five subsections (from seven separate sections): <ul style="list-style-type: none"> ○ 44.301-1 Objective ○ 44.301-2 Requirements ○ 44.301-3 Responsibilities for granting, withholding or withdrawing approval ○ 44.301-4 Notice ○ 44.301-5 Withholding or withdrawing approval • Section 44.402 now breaks down “Requirements” into three distinct categories that improve readability: <ul style="list-style-type: none"> ○ Preference (for commercial products and services) ○ Flowdown (rules for flowing down clauses) ○ Inapplicable laws (laws that do not apply to commercial products and services) • The following clauses are retained (or remain reserved if previously reserved) with no changes to the text. <ul style="list-style-type: none"> ○ 52.244-1 Reserved ○ 52.244-2 Subcontracts ○ 52.244-3 Reserved ○ 52.244-4 Subcontractors and Outside Associates and Consultants (Architect-Engineer Services) ○ 52.244-5 Competition in Subcontracting • The following clause is retained, with streamlining updates to reflect other RFO changes and references. <ul style="list-style-type: none"> ○ 52.244-6 Subcontracts for Commercial Products and Commercial Services
44	Removed	<ul style="list-style-type: none"> • The use of Administrative Contracting Officer (ACO) is no longer used as a designation. The part now reflects “Contracting Officer” where ACO was previously shown.

FAR Part	Change	Description
		<ul style="list-style-type: none"> • The requirements for Contractor Purchasing System Reviews (CPSR) are significantly streamlined to remove overly prescriptive conditions. <ul style="list-style-type: none"> ○ “Extent of Review”, with its 11 special attention areas, is removed (former section 44.303). ○ “Reports”, with its distribution requirements, is removed (former section 44.307).
48	Retained	<ul style="list-style-type: none"> • Sections 48.101, “General”, and 48.102, “Policies”, are retained and significantly streamlined. • Prescriptive information previously covered within section 48.104, “Sharing arrangements” is retained in the following clauses: <ul style="list-style-type: none"> ○ 52.248-1 covers information previously at 48.104-1, “Determining sharing period” ○ 52.248-1(f) and (g) covers information previously at 48.104-2, “Sharing acquisition savings” ○ 52.248-1(j) covers information previously at 48.104-3, “Sharing collateral savings” ○ 52.248-1(i)(5) covers information previously at 48.104-4, “Sharing alternative-no-cost settlement method” • Prescriptive information previously covered in section 48.105, “Relationship to other incentives” is retained in clause 52.248-1(k). • All clauses are retained with no changes to the text. <ul style="list-style-type: none"> ○ 52.248-1 Value Engineering ○ 52.248-2 Value Engineering—Architect-Engineer ○ 52.248-3 Value Engineering—Construction
48	Removed	<ul style="list-style-type: none"> • Section 48.000, “Scope of Part” is removed as the content is self-evident and did not add value. • The following terms are removed from section 48.001, “Definitions” as they were duplicative of definitions in clause 52.248-1, Value Engineering: <ul style="list-style-type: none"> ○ Government costs ○ Negative instant contract savings ○ Net acquisition savings • Information in section 48.102(f) on calculating profit or fees for value engineering change proposal savings will be covered in the FAR Companion Guide. • Section 48.103, “Processing value engineering change proposals” is removed because required information is covered in the clauses at 52.248-1 and 52.248-3. Additional information on

FAR Part	Change	Description
		<p>implementing approaches and principles will be covered in the FAR Companion Guide.</p> <ul style="list-style-type: none"> Information within section 48.104, on establishing sharing periods and rates will be covered in the FAR Companion Guide.

** This table is not an exhaustive list.*

RFO FAR part 52 model deviation text reflects updates to provision(s) and/or clause(s) associated with affected RFO FAR parts.

10. CONTACT:

Acquisition workforce members with questions regarding this CD should contact their cognizant Division Acquisition Office or Acquisition Policy Council (APC) Representative(s), as appropriate.

The current list of APC Representatives may be found on the [Acquisition Councils and Workgroups Page](#) of the [HHS Acquisition Portal](#) (HHSAP).

All other questions should be directed to Acquisition_Policy@hhs.gov.