



FAR CLASS DEVIATION 2026-01

MEMORANDUM TO: Heads of the Contracting Activities (HCAs)

FROM: Jennifer D. Johnson Jennifer Johnson
Jennifer Johnson (Nov 21, 2025 14:13:00 EST)
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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. 2026-01 in Support of Executive Order (EO) 14275, "Restoring Common Sense to Federal Procurement;" Deviation to FAR Parts 13, 14, 15, 16, 19, 22, 23, 25, 32, 37, 41, 42, 47, 53, and Applicable Portions of 52.

1. EFFECTIVE DATE: Immediately

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This CD remains in effect until the changes described herein are incorporated in the FAR, superseded, or otherwise rescinded.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 (FAR Council) changes to RFO FAR parts 13, 14, 15, 16, 19, 22, 23, 25, 32, 37, 41, 42, 47, 53, 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- Remove duplicative or outdated language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.

Between September 18, 2025 – September 30, 2025, the FAR Council issued RFO model deviation text for RFO FAR parts 13, 14, 15, 16, 19, 22, 23, 25, 32, 37, 41, 42, 47, 53 and updated corresponding Affected Part 52.

7. POLICY/GUIDANCE:

HHS contracting staff must comply with the following:

- A. Follow the RFO FAR parts 13, 14, 15, 16, 19, 22, 23, 25, 32, 37, 41, 42, 47, 53, including the corresponding part 52 model deviation text, instead of FAR parts 13, 14, 15, 16, 19, 22, 23, 25, 32, 37, 41, 42, 47, 53, 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](#).
3. **Unique RFO FAR part 16 specific instructions:** Contracting officers for multiple award contract vehicles, established prior to the effective date of this deviation using part 16 procedures, are encouraged to modify existing contracts to allow for the establishment of BPAs (see 16.504-5(h)(2)).

E. Updated RFO Model Deviation Text Updates for RFO FAR Part 2 and RFO FAR Part 52:

In addition, the following RFO updates were also posted on October 28, 2025:

- [Part 2](#) - Definitions of Words and Terms
 - Updated to incorporate all part 2 terms and definitions from the codified FAR with changes that resulted from the RFO.
 - Implementation Support: [Part 2 Practitioner Album](#)
- [Part 52](#) - Solicitation Provisions and Contract Clauses
 - Updated to consolidate codified part 52 with changes that resulted from the RFO, with full HTML viewing, for improved usability.
 - Implementation Support: [Part 52 Practitioner Album](#), which includes access to a GSA provided RFO matrix tool that shows changes to provisions and clauses as a result of the RFO.

The FAR Council incorporated all changes to Part 2 and Part 52 as part of the issued model deviations for each associated FAR Parts 1-53 (e.g., new definition of "commercial service" included in FAR Part 12 model deviation publication). As a result, HHS is not required to issue a separate agency deviation for Part 2 or Part 52. Contracting officers must utilize and access the RFO Part 2 and RFO Part 52 consolidated text with RFO revisions at: [RFO FAR Part 2](#) and [RFO FAR Part 52](#), accordingly.

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 13, 14, 15, 16, 19, 22, 23, 25, 32, 37, 41, 42, 47, and 53 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 13, Simplified Procedures for Noncommercial Acquisitions, is renamed from “Simplified Acquisition Procedures” to “Simplified Procedures for Noncommercial Acquisitions.” The part has been significantly changed:

- **From a focus on:** Simplified procedures for the acquisition of commercial products and commercial services
- **To a focus on:** Simplified procedures for the acquisition of noncommercial products and services valued at or below the simplified acquisition threshold (SAT).

The procedures in this part may be used only if:

- There are no commercial products or services that can satisfy the agency’s needs (see RFO part 12)
- The supplies or services are not available from a required source (see RFO part 8)

It’s important to note that some statutory text and other text essential to support sound procurement has been or will be moved to other RFO FAR parts, to include:

- Definition of governmentwide commercial purchase card (RFO part 2)
- Simplified procedures for procuring commercial items (RFO part 12)
- Price or cost evaluation factor for multiple-award contracts (RFO part 16)
- Advance payments for subscriptions and fast payment procedures (RFO part 32).

The HHS acquisition workforce must use the definitions (Part 2 - Definitions of Words and Terms) found on Acquisition.gov/far overhaul.

FAR part 14, Sealed Bidding, is simplified to make the regulation more accessible, clear, and efficient for acquisition teams. Themes of the update for this part include:

- Structural Reorganization for Logical Flow
- Streamlining through Consolidation and Plain Language
- Modernization for Current Practices

FAR part 15, Contracting by Negotiation, besides a major restructuring, there have been significant changes to address long-term pain points for Government and Industry.

Key new improvements and flexibilities to part 15 include:

- **Logical Flow:** The new framework replaces a topic-based structure with a more intuitive flow based on the acquisition life-cycle.

- **Consolidation:** Concepts that were previously fragmented are now unified creating a more cohesive framework.
- **Core Vocabulary Changes:** Key terms are defined and standardized.
 - The term “discussions” is replaced with “negotiations.” The term “communications,” in the context of competitive range establishment, has been eliminated. The term “deficiency” is redefined.
 - The use of “clarifications” now includes robust guidelines for its application. Clarifications permit minor corrections but do not allow for proposal revision and cannot be used to cure proposal deficiencies or material omissions. The scope of permissible clarifications was expanded to include coverage that was previously limited to “communications” before establishing the competitive range. Clarifications may be conducted at any time after receipt of proposals through contract award irrespective of whether a competitive range has been established.
- **Updated Rules of Engagement:** Contracting officers must negotiate with each responsible offeror within the competitive range and may further negotiate with the offerors as needed. Having further negotiations with one offeror does not require the contracting officer to have further negotiations with other offerors. The deviation text provides guidance on industry communication through early exchanges and debriefing.
- **Redefined Competitive Range:** The competitive range is now clearly defined as “the group of evaluated proposals that the contracting officer determines are best suited for further negotiation” instead of “all of the most highly rated proposals”.
- **Enhanced Clarity:** The text has been revised for greater clarity. It employs more direct language and introduces explicit subheadings for complex topics.

FAR part 16, Types of Contracts, clarifies complicated policies and procedures for selecting contract type and gives the acquisition workforce new tools and flexibilities to support the guiding principles for the FAR System.

Key new improvements and flexibilities to part 16 include:

- **Innovative contract types** that empower contracting officers to use novel contract structures. Examples of innovative contract types are included in the FAR Companion and is anticipated to cover other strategic acquisition guidance.
- Significant **task and delivery order procedure simplification** that will help reduce administrative errors, enhance consistency, and streamline the ordering process for both federal buyers and multiple-award contract holders.

- **On-and-off ramps** to maintain current, competitive, and innovative pools of vendors on multiple-award contracts.
- **Blanket purchase agreements** are allowed for repetitive requirements under all multiple award contracts, providing consistency with ordering procedures for Federal Supply Schedules.

FAR part 19, Small Business, is streamlined and emphasizes the importance of small businesses in Federal procurement by making the regulations clearer, more intuitive, and easier for the acquisition workforce to implement. The deviated text preserves most substantive requirements while reorganizing them to align with the actual workflow of a contracting professional.

The part reinforces that it is the Government's **policy to provide maximum practicable opportunities in its acquisitions to small business, 8(a) participants, and other small business socioeconomic categories** (i.e. veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns).

For contracts, it keeps the rule of two (meaning COs must set aside requirements when there are two or more small businesses identified who can provide the supplies or service) above the micro-purchase threshold (MPT). The rule of two is required by statute between the MPT and the Simplified Acquisition Threshold (SAT). The FAR Council retained the rule of two above the SAT as essential to sound procurement.

Key highlights:

- **Discretion for Contracting Officers.** The deviated text clarifies that a contracting officer's decision to set-aside or not-set aside an order placed under a multiple-award contract is an exercise of discretion and not a basis for a protest.
- **Removing rerepresentation requirements when ordering off an existing contract.** Agency small business credit is driven by the size determination made by the contracting officer at the contract level, and updated when certain contract level events take place (e.g. option exercise, novations).
- **Competing 8(a) orders.** Where an acquisition is below the competitive threshold (see 19.108-7(a)(2)), contracting officers must first try conducting the acquisition as a competitive 8(a) order using SBA-approved government-wide contracts before proceeding with a sole source 8(a) award.
- **Automatic 8(a) release.** A requirement is automatically released from the 8(a) program if the follow-on will be set aside under the HUBzone, SDVOSB, or WOSB programs. Release does not have to be formally requested in this situation.

FAR part 22, Application of Labor Laws to Government Acquisitions, is restructured to align with the stages of the acquisition lifecycle. This reorganization will help acquisition teams apply the labor requirements during the correct stage of the procurement. The part is now shorter, with many sections combined to remove redundancy and duplicative language.

Importantly, the fundamental protections for workers remain the same. For example, contractors are still required to:

- Pay the correct prevailing wages for construction and service work
- Provide safe and sanitary working conditions
- Ensure equal opportunity for veterans
- Pay overtime correctly

Subpart 22.11, “**Professional Employee Compensation**” was not based on statute. This part, and the provision at 52.222-46, “Evaluation of Compensations for Professional Employees” has been removed.

The model deviation text for this part does not cover the rescission of Executive Order (E.O.) 14026, addressing minimum wage for federal contractors, made by E.O. 14236. For information on the rescission of E.O. 14026, see the Department of Labor's website at <https://www.dol.gov/agencies/whd/government-contracts/eo14026>.

FAR part 23, Sustainable Acquisition, Material Safety, and Pollution Prevention, has been revised to enhance clarity and efficiency, and to ensure compliance with current statutory requirements. The updated FAR part maintains existing statutory mandates for energy efficiency, biobased products, energy savings performance contracts, hazardous material identification, and pollution prevention. Requirements related to clean energy and waste reduction, previously driven by the now-revoked E.O. 14057, have been removed.

FAR part 25, Foreign Acquisition, has been updated and reorganized to improve clarity, remove obsolete material, and logically group related content for enhanced usability by acquisition professionals.

Key highlights include:

- Adopting the centralized waiver process for nonavailability determinations including submission to the Made In America Office (MIAO), posting the waiver to the public-facing website, Madeinamerica.gov, and using a digital waiver portal managed by the MIAO.
- Moving evaluation examples for foreign offers from the FAR. They are expected to be moved to the FAR Companion.

FAR part 32, Contract Financing, has been updated to simplify the part, remove outdated information, and add a new subpart (and corresponding clause) for Fast Payment Procedures (previously at subpart 13.4) for smaller dollar purchases.

FAR part 37, Service Contracting, has been updated with a new structure that is more logical and easier to follow. The changes focus on two key themes: emphasizing policy priorities and organizing guidance to follow the acquisition lifecycle.

Previously, critical topics like Performance-Based Acquisition (PBA), rules on personal services, and the prohibition on contracting for inherently governmental functions were either embedded within broader sections or placed at the end of the part. Now, these topics have been elevated into their own distinct subparts at the very beginning of the regulation. Placing PBA first, for example, is a deliberate signal of policy emphasis.

Additionally, each of these new subparts is organized to mirror parts of the acquisition process. Sections are now titled "Presolicitation," "Evaluation and Award," and "Postaward," where applicable. This turns the regulation into a procedural roadmap, guiding users through the steps at each phase of the acquisition.

FAR part 41, Acquisition of Utility Services, has been retained, streamlined, and improved for clarity. All subparts have been retained. Plain language edits or other updates have been made throughout the part to remove unnecessary information or otherwise clarify the content. All clauses and provisions are retained.

Notably, the definition of "utility service" is updated. Services such as broadband internet and information technology services, which were nascent or nonexistent when the original regulation was drafted, are now explicitly carved out. This prevents agencies from incorrectly applying utility acquisition procedures. This change reduces the risk of improper sole-source justifications and promotes full and open competition in those dynamic markets.

FAR part 42, Contract Administration and Audit Services, has been streamlined from 17 subparts to 13, and places more emphasis on contractor performance evaluations and using performance information throughout the acquisition lifecycle, not just for source selection information.

The update removes language limiting past performance information to future "source selection" purposes and places an end date (April 1, 2026) on when evaluations should be marked as source selection.

This revision signals to acquisition teams that past performance information may be used throughout the acquisition lifecycle.

In addition, the deviated text makes certain permissive considerations during performance evaluations mandatory. For example, section 42.1503(b) previously suggested considerations to document on an evaluation report, but the deviated text (42.1103(b)) now states that these areas **must** be documented. This emphasizes the importance of documenting key information consistently.

Finally, the deviated text removes the limitation on evaluating performance on AbilityOne contracts (previously at 42.1502(h)). With removal of this limitation, contracting activities can now document performance evaluations for AbilityOne contractors, providing a useful tool to motivate good contract performance by AbilityOne contractors, and enabling high-performing AbilityOne contractors to use positive performance evaluations to compete for new opportunities.

FAR part 47, Transportation, addresses the transportation policies and procedures applicable to the procurement of supplies. This part addresses the policies applied to transportation, including terms of art that when applied to a contract directly impact the roles and responsibilities of the contract.

The part has been comprehensively revised to improve clarity, consolidate policies, and eliminate outdated requirements. These changes, including the removal of 33 clauses, will streamline the procurement process.

Commercial transportation remains the preferred shipping method.

FAR part 53, Forms, has been streamlined and modernized. Most significantly, rather than maintaining a list of forms within the part text, it directs users to a centralized site (<https://acquisition.gov/FARforms>) as the authoritative repository for all acquisition related forms. As a result, this part no longer needs to be amended through the formal rulemaking process every time a form is updated, added, or removed. This drastically reduces the administrative burden on the FAR Council and increases the government's agility in managing its library of forms. The "Forms List" referenced in the new 53.101(b) now performs the prescriptive function previously handled throughout this entire subpart, shifting the FAR's role from a static, self-contained text to a dynamic system that points to live, authoritative resources.

Readers should reference the table at <https://acquisition.gov/FARforms> to review retained forms and their citations for prescribed use throughout the FAR.

The clause 52.253-1, Computer Generated Forms, is retained and updated. The update deletes a reference to the FAR prescriptions, in paragraph (a).

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 13:

- 41 U.S.C. §§ 1901-1905, Simplified Acquisition Procedures
- 41 U.S.C. § 3305 and 10 U.S.C. § 3205, Simplified Procedures for Small Purchases
- 41 U.S.C. § 3306 and 10 U.S.C. § 3206, Planning and Solicitation Requirements

RFO FAR part 14:

- 10 U.S.C. § 3201 and 41 U.S.C. § 3301, Full and Open Competition
- 10 U.S.C. § 3206 and 41 U.S.C. § 3306, Planning and Solicitation Requirements
- 10 U.S.C. § 3301 and 41 U.S.C. § 3701, Basis of Award and Rejection
- 10 U.S.C. § 3302 and 41 U.S.C. § 3702, Sealed Bids
- 10 U.S.C. § 3702 and 41 U.S.C. § 3502, Required Cost or Pricing Data and Certification
- 41 U.S.C. § 1708, Procurement Notice
- 41 U.S.C. § 2301, Use of Electronic Commerce in Federal Procurement

RFO FAR part 15:

- 6 U.S.C. § 394, Unsolicited Proposals
- 10 U.S.C. § 3206 and 41 U.S.C. § 3306(c), Evaluation Factors
- 10 U.S.C. §§ 3301 et seq and 41 U.S.C. §§ 3701 et seq, Awarding of Contracts
- 10 U.S.C. §§ 3701 et seq and 41 U.S.C. §§ 3501 et seq, Truth in Negotiations Act
- 41 U.S.C. § 2102, Prohibitions on Disclosing and Obtaining Procurement Information

RFO FAR part 16:

- 10 U.S.C. §§ 3321 et seq and 41 U.S.C. §§ 3901 et seq, Specific Types of Contracts
- 10 U.S.C. §§ 3371 et seq, Undefined Contractual Actions
- 10 U.S.C. §§ 3401 et seq and 41 U.S.C. 4101 §§ et seq, Task and Delivery Order Contracts

- 41 U.S.C. § 3302, Requirements for Purchase of Property and Services Pursuant to Multiple Award Contracts
- Pub. L. 109-364 Section 814 and 41 U.S.C. § 4711, Linking of Award and Incentive Fees to Acquisition Outcomes

RFO FAR part 19:

- 10 U.S.C. § 3203 and 41 U.S.C. § 3303, Exclusion of Particular Source or Restriction of Solicitation to Small Business Concerns
- 15 U.S.C. §§ 631 et seq, Small Business Act
- 41 U.S.C. § 3104, Small Business Concerns

RFO FAR part 22:

- 8 U.S.C. § 1324a, Unlawful Employment of Aliens
- 18 U.S.C. § 874, Kickbacks from Public Works Employees
- 22 U.S.C. §§ 7101 et seq, Trafficking Victims Protection
- 29 U.S.C. §§ 201 et seq, Fair Labor Standards
- 29 U.S.C. § 793, Employment Under Federal Contracts
- 38 U.S.C. § 4212, Veterans' Employment Emphasis Under Federal Contracts
- 40 U.S.C. §§ 3141 et seq, Wage Rate Requirements
- 40 U.S.C. §§ 3701 et seq, Contract Work Hours and Safety Standards
- 41 U.S.C. § 6502, Required Contract Terms
- 41 U.S.C. §§ 6701 et seq, Service Contract Labor Standards
- E.O. 11755, Relating to Prison Labor, as amended by E.O.s 12608 and 12943
- E.O. 13126, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor
- E.O. 13496, Notification of Employee Rights Under Federal Labor Laws
- E.O. 13706, Establishing Paid Sick Leave for Federal Contractors
- E.O. 14063, Use of Project Labor Agreements for Federal Construction Projects

RFO FAR part 23:

- 7 U.S.C. § 8102, Biobased Markets Program
- 42 U.S.C. § 6361, Federal Energy Conservation Programs
- 42 U.S.C. § 6962, Resource Conservation and Recovery Act of 1976 42 U.S.C. § 8259b, Federal Procurement of Energy Efficient Products 42 U.S.C. §§ 7671 et seq, Stratospheric Ozone Protection
- 42 U.S.C. §§ 13101 et seq, Pollution Prevention Act of 1990

RFO FAR part 25:

- 19 U.S.C. §§ 2501 et seq, Trade Agreements Act of 1979
- 22 U.S.C. § 3305, The American Institute in Taiwan
- 41 U.S.C. §§ 8301 et seq, Buy American

- E.O. 10582, Prescribing Uniform Procedures for Certain Determinations Under the Buy-American Act
- E.O. 13881, Maximizing Use of American-Made Goods, Products, and Materials
- E.O. 14005, Ensuring the Future Is Made in All of America by All of America's Workers
- Pub. L. 103-465, World Trade Organization Government Procurement Agreement (WTO GPA), as approved in the Uruguay Round Agreements Act
- Free Trade Agreements (FTA) and Other International Agreements
 - Pub. L. 98-67, Caribbean Basin Economic Recovery Act
 - Pub. L. 99-47, United States-Israel Free Trade Area Implementation Act of 1985
 - Pub. L. 108-77, United States-Chile Free Trade Agreement Implementation Act
 - Pub. L. 108-78, United States-Singapore Free Trade Agreement Implementation Act
 - Pub. L. 108-286, United States-Australia Free Trade Agreement Implementation Act
 - Pub. L. 108-302, Morocco Free Trade Agreement Implementation Act
 - Pub. L. 109-53, Dominican Republic-Central America-United States Free Trade Agreement Implementation Act
 - Pub. L. 109-169, United States-Bahrain Free Trade Agreement Implementation Act
 - Pub. L. 109-283, United States-Oman Free Trade Agreement Implementation Act
 - Pub. L. 110-138, United States-Peru Trade Promotion Agreement Implementation Act
 - Pub. L. 112-41, United States-Korea Free Trade Agreement Implementation Act
 - Pub. L. 112-42, United States-Columbia Trade Promotion Agreement Implementation Act
 - Pub. L. 112-43, United States-Panama Trade Promotion Agreement Implementation Act
 - Pub. L. 116-113, United States-Mexico-Canada Agreement (USMCA) Implementation Act

RFO FAR part 32:

- 10 U.S.C. §§ 3801 et seq and 41 U.S.C. §§ 4501 et seq, Contract Financing
- 31 U.S.C. § 1341, Anti-Deficiency Act
- 31 U.S.C. § 3324, Advances
- 31 U.S.C. § 3711, Debt Collection Improvement Act of 1996
- 31 U.S.C. § 3727 and 41 U.S.C. § 6305, Assignment of Claims Act of 1940
- 31 U.S.C. §§ 3901 et seq, Prompt Payment Act
- 50 U.S.C. §§ 4501 et seq, Defense Production Act of 1950
- Pub. L. 102-190 Sec 806 as amended (10 U.S.C. § 4601 note prec.), Government-wide Application of Payment Protections for Subcontractors and Suppliers

RFO FAR part 37:

- 5 U.S.C. §§ 3101 et seq, Employment Authorities
- 10 U.S.C. § 3133 and 41 U.S.C. § 3902, Severable Services Contracts for Periods Crossing Fiscal Years
- 10 U.S.C. § 3744 and 41 U.S.C. § 4304, Specific Costs not Allowable
- 10 U.S.C. § 4507, Contracts for Professional and Technical Services

- 34 U.S.C. § 20351, Requirement for Background Checks
- 40 U.S.C. §§ 3141 et seq, Wage Rate Requirements
- 41 U.S.C. § 1709, Contracting Functions Performed by Federal Personnel
- 41 U.S.C. § 4105, Advisory and Assistance Services
- 41 U.S.C. §§ 6701 et seq, Service Contract Labor Standards
- Pub. L. 106-398, Sec 821, Improvements in Procurements of Services

RFO FAR part 41:

- 40 U.S.C. § 501, Services for Executive Agencies
- 42 U.S.C. § 2204, Electric Utility Contracts
- 42 U.S.C. §§ 7251 et. seq., Department of Energy Organization Act
- 42 U.S.C. § 8287, Authority to Enter into Contracts

RFO FAR part 42:

- 10 U.S.C. §§ 3741 et seq and 41 U.S.C. §§ 4301 et seq, Allowable Costs
- 10 U.S.C. § 3841 and 41 U.S.C. § 4706, Contractor Audits and Accounting
- 11 U.S.C. §§ 501 et seq, Creditors and Claims
- 31 U.S.C. § 1535, The Economy Act
- 41 U.S.C. § 1126, Policy Regarding Consideration of Contractor Past Performance
- 41 U.S.C. § 1326, Requirements for Executive Agencies
- 41 U.S.C. § 2313, Database for Federal Agency Contract and Grant Officers and Suspension and Debarment Officials
- 41 U.S.C. § 3102, Delegation and Assignment of Powers, Functions, and Responsibilities
- 41 U.S.C. § 4504, Conditions for Progress Payments
- 41 U.S.C. § 6305, Assignment of Contracts Act

RFO FAR part 47:

- 10 U.S.C. § 2631, Preference for United States Vessels in Transporting Supplies by Sea
- 22 U.S.C. § 2353, Shipping on United States Vessels
- 46 U.S.C. § 55305, Cargoes Procured, Furnished, or Financed by the United States Government
- 49 U.S.C. § 10721 and § 13712, Interstate Commerce Act
- 49 U.S.C. § 40118, Government-Financed Air Transportation

RFO FAR part 53:

This part does not directly implement any statutory requirements.

FAR Part	Change	Description
13	Retained	<ul style="list-style-type: none"> • 13.001, “Applicability”, retains the prohibition on splitting requirements to stay below the SAT. • 13.101, “Competition”, retains the requirement that agencies must promote competition to the maximum extent practicable when procuring noncommercial products and services valued at or below the SAT. • 13.102, “Small Business”, retains the requirement that acquisitions of supplies or services with an anticipated dollar value above the MPT, but at or below the SAT, must be set aside for small business concerns. • 13.301, “Notifications”, consolidates instructions for notifying unsuccessful quoters. It retains award notice posting requirements of FAR subpart 5.3 and brief explanations. • 13.302, “Cancellations and Terminations”, provides a clear distinction between canceling an unaccepted purchase order and terminating an accepted purchase order and directs the contracting officer to FAR part 49 or clause 52.213-4 for terminations.
13	Moved / Updated	<ul style="list-style-type: none"> • The revised part structure now reflects the acquisition lifecycle: <ul style="list-style-type: none"> ○ Subpart 13.1 – Presolicitation ○ Subpart 13.2 - Solicitation, Evaluation, and Award ○ Subpart 13.3 – Postaward ○ Subpart 13.4 - Micro-purchases • The lengthy list of inapplicable laws in former 13.005 is moved to a dynamic link, now at 13.001 (https://www.acquisition.gov/inapplicablelaws). This is a significant modernization, ensuring the regulation points to a continuously updated official source rather than a static list that could become outdated. • The definition of “governmentwide commercial purchase card” is moved from the former 13.001, “Definitions”, to section 2.101. • Content regarding price or cost evaluation factors for multiple-award contracts is moved from the former 13.106-1 to RFO part 16. • 13.201, “Procedures”, and 13.202, “Evaluation”, cross reference part 12. This cross-referencing achieves several goals. It promotes consistency in government procurement practices, reducing the need for contracting officers to master two distinct sets of procedures for simple buys and leverages the best practices in commercial acquisitions. • 13.204, “Contract clauses”, authorizes the use of the revised clause 52.213-4 for a streamlined set of terms and conditions for inspection/acceptance, excusable delays, terminations, and warranties.

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ The primary clause for noncommercial simplified acquisitions, 52.213-4, has been retitled and revised. The title is changed from “Terms and Conditions—Streamlined Acquisitions (Other Than Commercial Products and Commercial Services)” to “Terms and Conditions—Simplified Acquisitions (Noncommercial)” to align with the new focus of part 13. ○ 13.204(c) explicitly prohibits the use of part 12 clauses (52.212-1, 52.212-2, and 52.212-4) in noncommercial acquisitions • 13.303, “Contractor Financing and Payments”, now directs readers to part 32 for payment procedures, including fast payment procedures. • 13.401, “General”, for micropurchases, now points to part 12 when making purchases below the micropurchase threshold (MPT) ensuring that the simplest and most common type of acquisition is governed by a single, consistent set of rules, regardless of whether the item is commercial or noncommercial.
13	Removed	<ul style="list-style-type: none"> • A significant amount of content has been streamlined and removed from part 13 and shifted to other parts of the FAR as highlighted in the summary of changes above the table. • The following clauses were deleted: <ul style="list-style-type: none"> ○ 52.213-1, Fast Payment Procedure. Fast payments procedures will be covered in part 32. ○ 52.213-2, Invoices. General payment procedures will be covered in part 32. ○ 52.213-3, Notice to Supplier. The streamlined procedures and the general principles of offer and acceptance are deemed adequate without this specific clause.
14	Retained	<ul style="list-style-type: none"> • The following provision and clauses are retained (or remain reserved) with no changes: <ul style="list-style-type: none"> ○ 52.214-1 and 52.214-2 remain reserved ○ 52.214-4 (Provision), False Statements in Bids ○ 52.214-6 (Provision), Explanation to Prospective Bidders ○ 52.214-8 and 52.214-9 remain reserved ○ 52.214-10 (Provision), Contract Award—Sealed Bidding ○ 52.214-11 remains reserved ○ 52.214-12 (Provision), Preparation of Bids ○ 52.214-13 remains reserved ○ 52.214-14 (Provision), Place of Performance—Sealed Bidding

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ 52.214-15 (Provision), Period for Acceptance of Bids ○ 52.214-16 (Provision), Minimum Bid Acceptance Period ○ 52.214-17 remains reserved ○ 52.214-18 (Provision), Preparation of Bids—Construction ○ 52.214-19 (Provision), Contract Award—Sealed Bidding—Construction ○ 52.214-20 (Provision), Bid Samples ○ 52.214-21 (Provision), Descriptive Literature ○ 52.214-22 (Provision), Evaluation of Bids for Multiple Awards ○ 52.214-24 (Provision), Multiple Technical Proposals ○ 52.214-27 (Clause), Price Reduction for Defective Certified Cost or Pricing Data—Modifications—Sealed Bidding ○ 52.214-29 (Clause), Order of Precedence—Sealed Bidding ○ 52.214-30 remains reserved ○ 52.214-32 and 52.214-33 remain reserved ○ 52.214-34 (Provision), Submission of Offers in the English Language ○ 52.214-35 (Provision), Submission of Offers in U.S. Currency
14	Moved / Updated	<ul style="list-style-type: none"> • The revised part structure now reflects the acquisition lifecycle: <ul style="list-style-type: none"> ○ Subpart 14.1 - General ○ Subpart 14.2 - Presolicitation ○ Subpart 14.3 - Evaluation and Award ○ Subpart 14.4 - Postaward • Subpart 14.1, “General”, streamlines and consolidates the five sections that were previously within the former subpart 14.1, “Use of Sealed Bidding”. • Subpart 14.2, “Presolicitation”, consolidates nearly all pre-award activities related to the solicitation process into a single chronological subpart. It is constructed from content previously located in subpart 14.2 (“Solicitation of Bids”), subpart 14.3 (“Submission of Bids”), and subpart 14.5 (“Two-Step Sealed Bidding”). <ul style="list-style-type: none"> ○ Sections within the subpart are streamlined, consolidated, and reorganized to conform to the new subpart structure. • Subpart 14.3, “Evaluation and Award”, consolidates activities that occur from the moment bids are received until the contract is awarded. It is primarily constructed from content that was previously located in parts of subpart 14.3 (“Submission of Bids”) and subpart 14.4 (“Opening of Bids and Award of Contract”).

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ Sections within the subpart are streamlined, consolidated, and reorganized to conform to the new subpart structure. ● Subpart 14.4, “Postaward”, is designed to cleanly separate pre-award and post-award issues which are governed by different procedures. <ul style="list-style-type: none"> ○ 14.401, “Mistakes after award”, relocates content previously found at 14.407-4. Placing this topic in a distinct “Postaward” subpart categorizes it as a matter of contract administration, fundamentally different from mistakes discovered before an award is made. The text has been revised for clarity and procedural requirements remain intact. ○ 14.402, “Pricing modifications”, is a new section that provides a direct cross-reference to FAR part 15 for policies and procedures related to cost and price negotiation for modifications. This is a logical and helpful addition providing clear guidance for a common post- award activity. ● The following provisions and clauses are updated. Updates are primarily for clarity and cross-referencing corrections. <ul style="list-style-type: none"> ○ 52.214-3 (Provision), Amendments to Invitations for Bids ○ 52.214-5 (Provision), Submission of Bids ○ 52.214-7 (Provision), Late submissions, modifications, and withdrawals of bids ○ 52.214-23 (Provision), Late submissions, modifications, revisions, and withdrawals of technical proposals under two-step sealed bidding ○ 52.214-25 (Provision), Step Two of Two-Step Sealed Bidding ○ 52.214-26 (Clause), Audit and Records—Sealed Bidding ○ 52.214-28 (Clause), Subcontractor Certified Cost or Pricing Data—Modifications—Sealed Bidding ● The FAR Companion is expected to include best practice information on the following moved content that is not statutorily required: <ul style="list-style-type: none"> ○ Subsection 14.201-8, “Price-related factors” ○ Section 14.208, “Amendment of invitation for bids” ○ Section 14.202-1, “Bidding time” ○ Section 14.207, “Pre-bid conference” ○ Section 14.209, “Cancellation of invitations before opening” ○ Subsection 14.407-2(b) and (c), “Apparent clerical mistakes” regarding corrections

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ Subsection 14.404-1(d), “Cancellation of invitations after opening” regarding extensions ○ Subsection 14.408-1(b), “General” regarding a limited number of bids.
14	Removed	<ul style="list-style-type: none"> • Section 14.105, “Solicitations for informational or planning purposes” is removed to align with streamlining efforts. • Subsection 14.202-3, “Bid envelopes” is removed to align with modernization efforts. • Subsection 14.202-7, “Facsimile Bids” is removed to align with modernization efforts. • Section 14.211, “Release of Acquisition Information” is removed because the content is adequately covered in other parts of the FAR. • Subsection 14.408-7, “Documentation of Award” is removed because the content is adequately covered elsewhere in the part or other parts of the FAR. • Subsection 14.408-8, “Protests against Award” is removed because the content is adequately covered elsewhere in the FAR. • The following provision is deleted to align with the modernization efforts: <ul style="list-style-type: none"> ○ 52.214-31, Facsimile Bids.
15	Retained	<ul style="list-style-type: none"> • Part 15 continues to be the part primarily used for establishing negotiated contracts when using a request for proposal (RFP). • The following provision and clauses are retained (or remain reserved) with no changes: <ul style="list-style-type: none"> ○ 52.215-4 remains reserved ○ 52.215-7 remains reserved ○ 52.215-9 (Clause), Changes or Additions to Make-or-Buy Program ○ 52.215-10 (Clause), Price Reduction for Defective Certified Cost or Pricing Data ○ 52.215-14 (Clause), Integrity of Unit Prices ○ 52.215-16 (Provision), Facilities Capital Cost of Money ○ 52.215-17 (Clause), Waiver of Facilities Capital Cost of Money ○ 52.215-24 thru 52.215-42 remain reserved
15	Moved / Updated	<ul style="list-style-type: none"> • The part structure is revised from six subparts to five: <ul style="list-style-type: none"> ○ Subpart 15.1 - Presolicitation and Solicitation ○ Subpart 15.2 - Evaluation and Award ○ Subpart 15.3 - Postaward

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ Subpart 15.4 - Contract Pricing ○ Subpart 15.5 - Unsolicited Proposals ● 15.000, “Scope”, is updated to emphasize that the procedures in the part provide an opportunity for back-and-forth negotiation between the Government and an offeror(s) upon receipt of a proposal submitted in response to an RFP. ● 15.001, “Definitions”, updates two of the four definitions: <ul style="list-style-type: none"> ○ “Deficiency” is updated to remove reference to “unacceptable risk” and clearly define a “material requirement”. ○ “Proposal revision” is updated to include the phrase “material elements of a proposal”. This revision clarifies that not every change made during negotiations constitutes a proposal revision, focusing the definition on changes that are substantive in nature. ● 15.002, “Types of Negotiated Acquisitions”, is updated to modernize the language throughout. The two paragraphs in this section are now titled “Noncompetitive Acquisitions” and “Competitive Acquisitions”. ● 15.101, “Early Exchanges with Industry”, revises and consolidates content previously located in multiple sections of the part. The new section is structured with clear subheadings for “Draft RFPs”, “Requests for Information”, “Mission Needs and Requirements”, and “Advisory Multistep Process”, making the content more accessible. ● 15.102, “Structuring a request for proposals”, more clearly outlines the required format and content for RFPs. ● 15.103, “Developing a Competitive Source Selection Approach”, relocates the existing source selection approaches (“Tradeoff” and “Lowest Price Technically Acceptable” (LPTA)) and adds two approaches - “Highest Technically Rated with a Fair and Reasonable Price” (15.103-3) and “Phased Acquisition” (15.103-4). ● 15.105, “Other Considerations”, relocates, consolidates, and updates topics previously located throughout the part into a single section. This consolidation enhances the usability of the regulation by grouping these specific solicitation-related considerations together for easy reference during RFP preparation: <ul style="list-style-type: none"> ○ 15.105-1 Oral presentations. Relocated from 15.102. ○ 15.105-2 Negotiations disclosure. Relocated from 15.209(a). ○ 15.105-3 Limitation on tiered evaluations for multiple award contracts. Relocated from 15.101-3.

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ 15.105-4 Request for cost or pricing data. Relocated from 15.403-5. ○ 15.105-5 Make-or-buy decision. Relocated from 15.407-2. ○ 15.105-6 Should-cost review. Relocated from 15.407-4. ○ 15.105-7 Unit prices. Relocated from 15.404-1(f). ● 15.106, “Amending a Request for Proposal”, updates former section 15.206. The language and requirements are now clearer. ● 15.109, “Uniform Contract Format”, and its subsections, are relocated and streamlined. ● New subpart 15.2, “Evaluation and Award”, updates and clarifies the evaluation and award process. ● 15.202, “Evaluating Competitive Proposals”, relocates and substantially revises the content previously at section 15.305. <ul style="list-style-type: none"> ○ 15.202(a)(2) provides a more robust, multi-part definition of “clarifications”. It states that clarifications can be used to “enhance the Government’s understanding of a proposal”, “allow reasonable interpretation”, and address “ambiguities” as well as “perceived deficiencies, weaknesses, errors, omissions, or mistakes”. ○ The new definition allows the contracting officer to request additional information or documentation provided cost/price or other material elements of the proposal are unchanged. ○ Clarifications are not to be used for revising proposals and curing deficiencies or material omissions. ● 15.204, “Competitive Award with Negotiation”, streamlines and consolidates the complex rules for post-evaluation exchanges with offerors, which were previously spread across sections 15.306 (“Exchanges with offerors after receipt of proposals”) and 15.307 (“Proposal revisions”). <ul style="list-style-type: none"> ○ The phrase “communications with offerors before establishment of the competitive range” has been deleted, and where appropriate, functions have been moved to the new definition of “clarifications” under 15.202(a)(2). ● 15.206, “Preaward notices and debriefings”, updates guidance on preaward notices and debriefings. ● New 15.207-1, “Award to successful offeror”, provides new information about completing the award document when not using OF 307, Contract Award; SF 26, Award/Contract; or SF 33, Solicitation, Offer and Award. ● 15.301, “Postaward Debriefing of Offerors”, relocates and updates the content on post-award debriefings, previously at 15.506.

FAR Part	Change	Description
		<ul style="list-style-type: none"> • Subpart 15.4, “Contract Pricing”, has been restructured and the internal section numbering and organization have been significantly updated. • Subpart 15.5, “Unsolicited Proposals”, is moved from former subpart 15.6 and the content is reorganized and streamlined. • The following provision and clauses are updated for clarity, to mirror updates made throughout the part, and/or to update cross-references or remove outdated content: <ul style="list-style-type: none"> ○ 52.215-1 (Provision), Instructions to Offerors—Competitive Acquisition ○ 52.215-2 (Clause), Audit and Records—Negotiation <ul style="list-style-type: none"> ▪ Alternate I is removed because it implemented the American Recovery and Reinvestment Act which is no longer active. ○ 52.215-6 (Provision), Place of Performance ○ 52.215-8 (Clause), Order of Precedence—Uniform Contract Format ○ 52.215-11 (Clause), Price Reduction for Defective Certified Cost or Pricing Data—Modifications ○ 52.215-12 (Clause), Subcontractor Certified Cost or Pricing Data ○ 52.215-13 (Clause), Subcontractor Certified Cost or Pricing Data—Modifications ○ 52.215-15 (Clause), Pension adjustments and asset reversions ○ 52.215-18 (Clause), Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions ○ 52.215-19 (Clause), Notification of Ownership Changes ○ 52.215-20 (Provision), Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data ○ 52.215-21 (Clause), Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data—Modifications ○ 52.215-22 (Provision), Limitations on Pass-Through Charges—Identification of Subcontract Effort ○ 52.215-23 (Clause), Limitations on Pass-Through Charges • The FAR Companion is expected to include best practice information not required in the FAR on the following content: <ul style="list-style-type: none"> ○ Guidance on the best value continuum and using various source selection approaches ○ Procedures pertaining to oral presentations

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ Amendments based on alternate solutions
15	Removed	<ul style="list-style-type: none"> • Former section 15.205, “Issuing solicitations”, is removed because it is repetitive of information found in other FAR parts. • The following provisions are deleted: <ul style="list-style-type: none"> ○ 52.215-3 (Provision), Request for Information or Solicitation for Planning Purposes, is now reserved. <ul style="list-style-type: none"> ▪ The information is covered by the new 15.101(c). ○ 52.215-5 (Provision), Facsimile Proposals, is now reserved. The revised regulation takes a more technology- neutral approach. <ul style="list-style-type: none"> ▪ This allows agencies the flexibility to authorize a range of modern electronic submission methods without needing a specific, and now largely outdated, provision.
16	Retained	<ul style="list-style-type: none"> • 16.001, “Definitions”, is retained without changes. • All provisions and clauses have been retained (or remain reserved) with no changes except for four noted in the “Moved/Updated” section below.
16	Moved / Updated	<ul style="list-style-type: none"> • 16.000, “Scope of Part”, is updated to add an important new sentence: “Except for limited instructions regarding the placement of task and delivery orders, the entirety of this part applies to the pre-solicitation phase and is meant to guide in acquisition planning.” • Subpart 16.1, “Selecting Contract Types”, has been significantly restructured to consolidate policies, emphasize documentation, and provide greater flexibility to contracting officers. • 16.101(a), “Policies”, clarifies that “contract types that promote the best interests of the Government, but are not described in this regulation, are permitted for use in accordance with agency procedures”. <ul style="list-style-type: none"> ○ This replaces the more restrictive policy in the former 16.102(b), which stated that unlisted contract types “shall not be used, except as a deviation under subpart 1.4”. ○ This update represents a deliberate shift from a restrictive to a permissive framework, empowering contracting officers to use novel and innovative contract structures consistent with the “Guiding Principles for the System” in RFO FAR 1.102. • 16.104, “Solicitation Provision”, updates the prescription for using the provision at “52.216-1, Type of Contract”.

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ It has been changed from mandatory (“The contracting officer shall...insert”) to discretionary (“The contracting officer may...insert”). ○ A new Alternate I has been added for use when the solicitation allows offerors to propose an alternative contract type, reinforcing the push for greater flexibility and industry input. ● Subpart 16.2, “Fixed-Price Contracts”, is retained and streamlined to include updated guidance for ease of the reader. ● Subpart 16.3, “Cost-Reimbursement Contracts”, has been substantially streamlined and reorganized by consolidating descriptions and relocating all incentive-based contract types to subpart 16.4, “Incentive Contracts”. This restructuring declutters the subpart by removing redundant text and consolidating guidance for complex incentive contract types. <ul style="list-style-type: none"> ○ New 16.302, “Cost contracts”, and 16.303, “Cost-sharing contracts”, are reduced to single-sentence descriptions, whereas the former text included separate subsections for “Description”, “Application”, and “Limitations”. ○ The content for “Cost-Plus-Incentive-Fee” (former 16.304) and “Cost-Plus-Award-Fee” (former 16.305) contracts has been deleted from this subpart and moved to 16.405 and 16.402-3, respectively. ● Subpart 16.4, “Incentive Contracts”, has undergone a complete reorganization to consolidate all incentive-related policies and contract type descriptions into a single subpart. The changes centralize content, particularly for award-fee contracts, to ensure consistent application. ● Subpart 16.5, “Indefinite-Delivery Contracts”, has been revised to clearly outline for the acquisition workforce the types of task and delivery order contracts and how to utilize them. ● 16.504-4, “On-ramps and off-ramps”, is a new subsection that authorizes “on-ramping” (adding new contractors) and “off-ramping” (removing contractors) from a multiple-award contract during its ordering period. ● The content of the former 16.505, “Ordering”, is now distributed across three new sections: <ul style="list-style-type: none"> ○ New 16.506, “Postaward Procedures for Placement of Task and Delivery Orders”, consolidates the general administrative requirements for contents of orders (formerly in 16.505(a)(7)) and other general post-award rules. ○ New 16.507, “Additional ordering procedures for multiple- award contracts”, is now the central location for

FAR Part	Change	Description
		<p>all rules related to the requirement to provide fair opportunity to be considered for orders or Blanket Purchase Agreements (BPA). It is broken down by dollar value and contains the rules for orders below the micro-purchase threshold (MPT), fair opportunity for orders and BPAs above the MPT, exceptions to fair opportunity, brand-name justifications, and the new authorization for BPAs.</p> <ul style="list-style-type: none"> ▪ 16.507-2(a)(2), under “Fair opportunity procedures”, emphasizes that the contracting officer has broad discretion to develop appropriate order placement procedures and encourages innovative techniques highlighted in the Periodic Table of Acquisition Innovations. ▪ 16.507-2(c)(3), “Blanket Purchase Agreements”, is a new subsection that explicitly authorizes the establishment of BPAs under multiple-award IDIQ contracts to fill repetitive needs, if authorized in the master contract. <ul style="list-style-type: none"> • Note - Contracting Officers must establish ordering procedures in the BPA that ensure BPA holders (but not other multiple-award contractors) are provided the fair opportunity procedures in 16.507-3 through -5. ▪ 16.507-3 through -5 consolidate fair opportunity procedures and documentation requirements for orders valued above the MPT, above the SAT, and above \$7.5 million (\$6 million prior to October 1, 2025). ▪ 16.507-4(a), clarifies the requirement to provide fair notice of intent to place an order for orders or BPAs valued above the SAT. ▪ 16.507-5(a) clarifies additional fair notice requirements for orders or BPAs valued above \$7.5 million (\$6 million prior to October 1, 2025) (previously at 16.505(b)(1)(iii)-(iv)). ○ New 16.508, “Protests of orders”, consolidates all rules regarding the protest of task and delivery orders (previously at 16.505(a)(10)). • Subpart 16.6, “Time-and-Materials, Labor-Hour, and Letter Contracts” is improved for readability and to provide clarity on these high-risk contract types. • Subpart 16.7, “Agreements”, is updated with structural formatting updates to improve clarity.

FAR Part	Change	Description
		<ul style="list-style-type: none"> • The following provision and clauses have been updated to reflect plain language, update cross-references, or to correspond with updates made within the part: <ul style="list-style-type: none"> ○ 52.216-1 (Provision), Type of Contract ○ 52.216-7 (Clause), Allowable Cost and Payment ○ 52.216-21 (Clause), Requirements ○ 52.216-22 (Clause), Indefinite Quantity • The FAR Companion is expected to include best practice information on the following: <ul style="list-style-type: none"> ○ Selecting contract types ○ Factors in selecting contract type ○ Guidance when ceiling prices are established for fixed-price contracts with prospective price redetermination ○ Guidance on cost controls of fixed-ceiling-price contracts with retroactive price redetermination ○ Guidance on when to consider use of a completion or term form of a cost-plus-fixed-fee contract ○ Guidance on application of technical performance incentives ○ Guidance on structuring and applying firm and successive target fixed-price incentive contracts ○ Guidance on application of cost-plus-incentive fee contracts
16	Removed	<ul style="list-style-type: none"> • Obsolete American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) (ARRA) Provision (from former 16.505(a)(11)): All requirements related to publicizing orders funded by the ARRA have been removed as obsolete.
19	Retained	<ul style="list-style-type: none"> • The following provision and clauses are retained (or remain reserved) with no changes: <ul style="list-style-type: none"> ○ 52.219-5, Reserved ○ 52.219-7 (Clause), Notice of Partial Small Business Set-Aside ○ 52.219-11 (Clause), Special 8(a) Contract Conditions ○ 52.219-12 (Clause), Special 8(a) Subcontract Conditions ○ 52.219-13 (Clause), Notice of Set-Aside of Orders ○ 52.219-15, Reserved ○ 52.219-17 (Clause), Section 8(a) Award ○ 52.219-18 (Clause), Notification of Competition Limited to Eligible 8(a) Participants ○ 52.219-19 thru 52.219-26, Reserved ○ 52.219-31 (Provision) Notice of Small Business Reserve

FAR Part	Change	Description
19	Moved / Updated	<ul style="list-style-type: none"> • FAR part 19 was retitled from “Small Business Programs” to “Small Business”. • Throughout the part, references to the Dynamic Small Business Search (DSBS) site were updated to the Small Business Search (SBS) website at https://search.certifications.sba.gov/. • 19.000, “Scope of part”, is updated to remove unnecessary citations and content. • 19.001, “Definitions” is retained and has been updated to include numerous definitions that were previously spread throughout the part. Most of the definitions have been retained with no, or only minor edits. The only exception is the definition of “Similarly situated entity” which has been removed from this section and is retained only within clause 52.219-14, Limitations on Subcontracting. • The revised part structure now reflects the acquisition lifecycle: <ul style="list-style-type: none"> ○ Subpart 19.1 - Presolicitation ○ Subpart 19.2 - Evaluation and Award ○ Subpart 19.3 - Postaward • Subpart 19.1, “Presolicitation”, consolidates all policies and procedures applicable before issuance of a solicitation, creating a single point of reference for acquisition planning and market research. <ul style="list-style-type: none"> ○ 19.101, “Small business goals”, is new and serves as an introduction to the Government’s small business policy and the tools available to achieve agency small business goals. <ul style="list-style-type: none"> ▪ Within 19.101(a): <ul style="list-style-type: none"> • The general policy statement on providing maximum practicable opportunities is relocated from 19.201(a). • The requirement to measure and report small business participation is relocated from 19.202-5(b). ▪ 19.101(b) is a new and valuable addition that functions as a "roadmap" for contracting officers. It lists the various acquisition strategies available and provides direct cross-references to the corresponding sections within the new part 19. ○ 19.102, “Coordination”, consolidates all requirements for coordinating with the Small Business Administration (SBA) and the agency's Office of Small and Disadvantaged Business Utilization (OSDBU) (or for the Department of Defense, the Director of the Office of Small Business Programs (OSBP)).

FAR Part	Change	Description
		<ul style="list-style-type: none"> ▪ General principles of cooperation with the SBA are relocated from 19.401. ▪ Rules regarding SBA Procurement Center Representatives (PCRs) are relocated from 19.402. ▪ The mandatory 30-day notification to the SBA PCR for certain acquisitions is relocated from 19.202-1(e). ▪ The procedures for a contracting officer to reject an SBA recommendation and the subsequent SBA appeal process are relocated from 19.502-8. ○ 19.103, “Small business size standards”, consolidates content from the former subpart 19.1, specifically former sections 19.102 and 19.103. The content concerning NAICS codes, size standards, and the appeal process for NAICS code designations remains substantively the same but is now logically situated within the presolicitation subpart. ○ 19.104, “Small business set-asides”, consolidates the rules for total and partial small business set-asides, the nonmanufacturer rule, and related clause prescriptions. <ul style="list-style-type: none"> ▪ Relocated from former 19.502-2, this section retains that for contracts above the micro-purchase threshold, the contracting officer must set the contract aside for small business if there is a reasonable expectation of obtaining competitive offers from two or more responsible small business concerns (the rule of two). ▪ An important change – by changing the word “acquisition” to “contract” at 19.104-1(a), set-aside requirements (the rule of two) are clarified. Set-aside at the master contract level is mandatory, set-aside is encouraged but discretionary at the order level (see 19.111). ▪ The procedures for partial set-asides are consolidated from former 19.502-3 (for contracts other than multiple-award) and former 19.502-4 (for multiple-award contracts) into a single, unified subsection at 19.104-2. The new subsection does not distinguish between multiple-award or other than multiple-award contracts, as the underlying principles are identical. ▪ The nonmanufacturer rule is relocated from former 19.505(c). ▪ Clause prescriptions are relocated from former 19.507.

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ Socioeconomic Programs at sections 19.105 (HUBZone), 19.106 (SDVOSB), 19.107 (WOSB), and 19.108 (8(a)). These sections represent a major structural overhaul. Previously, each socioeconomic program was addressed in its own subpart containing rules for all acquisition phases. In the deviated text, the presolicitation aspects of each program are relocated to subpart 19.1. ○ 19.108-7, “Competitive 8(a) and sole source 8(a) policy” is updated: <ul style="list-style-type: none"> ▪ In paragraph (b) to state that SBA may accept sole-source awards above the competitive threshold (see 19.108-7(a)(2)) if the contracting officer complies with the requirement for other than full and open competition in accordance with FAR 6.103. ▪ An important change in paragraph (d) – where an acquisition is below the competitive threshold, contracting officers must first try conducting the acquisition as a competitive 8(a) order using SBA-approved government-wide contracts that permit it before proceeding with a sole source 8(a). ○ 19.108-11, “Release requirements for non-8(a) procurement”, a requirement is automatically released from the 8(a) program if the follow-on will be set aside under the HUBzone, SDVOSB, or WOSB programs. Release does not have to be formally requested from the SBA in this situation. ○ 19.109, “Small business subcontracting plans”, centralizes all presolicitation requirements related to subcontracting plans, which were previously located throughout subpart 19.7. ○ 19.110, “Price evaluation preference for HUBZone small business concerns”, relocates the rules for applying the HUBZone price evaluation preference from former 19.1307(a) and the associated clause prescription from former 19.1309(b). ○ 19.111, “Orders under multiple-award contracts”, consolidates rules for orders under multiple-award contracts that were previously in different locations throughout the part. It combines guidance on assigning NAICS codes to orders (from former 19.102(b)(3)) with the rules for setting aside orders (from former 19.504). The section retains that set-asides for orders are discretionary. ○ 19.112, “Reserves”, relocates the content governing the use of reserves on multiple-award contracts from former

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ 19.503 and the associated prescription from former 19.507(g). ● Subpart 19.2, “Evaluation and Award”, centralizes all policies and procedures applicable after offers are received but before a contract is awarded. <ul style="list-style-type: none"> ○ 19.201, “Small business size and socioeconomic status determination”, consolidates protest and representation procedures into a single location. This change simplifies the process for contracting officers, who previously had to consult separate sections for each type of protest. The following sections are consolidated here: <ul style="list-style-type: none"> ▪ Representation by the offeror at initial award (from former 19.301-1) ▪ Protesting a small business representation (from former 19.302) ▪ Small disadvantaged business status and reviews (from former 19.304 and 19.305) ▪ Protesting HUBZone status (from former 19.306) ▪ Protesting SDVOSB status (from former 19.307) ▪ Protesting WOSB/EDWOSB status (from former 19.308) ▪ Protesting 8(a) eligibility and requesting size determinations (from former 19.813 and 19.814) ○ 19.202, “Encouraging small business responses”, relocates the content from former 19.202-4(c) which requires contracting officers to provide copies of solicitations and other information to small businesses upon request. ○ 19.203, “Equal low bids”, relocates the content on handling equal low bids from former 19.202-3 and the related clause prescription from former 19.309(b). ○ 19.204, “Certificate of competency”, relocates and consolidates the entirety of former Subpart 19.6, “Certificates of Competency and Determinations of Responsibility”. Placing this topic in the "Evaluation and Award" subpart aligns it with the point in the acquisition process where a responsibility determination is made. ○ 19.205, “Evaluating and awarding set-asides”, consolidates various award-related provisions for set-asides, including: <ul style="list-style-type: none"> ▪ The determination of fair market price (from former 19.202-6). ▪ Procedures for when only one offer is received (from former 19.502-2(a) and 19.1305(c)).

FAR Part	Change	Description
		<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Rules for withdrawing a set-aside prior to award (from former 19.502-9). ○ 19.206, “Evaluating small business subcontracting plans”, consolidates all procedures related to the review, negotiation, and acceptance of subcontracting plans prior to award. It incorporates content from former sections 19.704 (“Subcontracting plan requirements”), 19.705-4 (“Reviewing the subcontracting plan”), and 19.705-5 (“Awards involving subcontracting plans”). ○ 19.207, “Evaluating offers using the HUBZone price evaluation preference”, relocates the specific methodology for applying the 10 percent price evaluation preference for HUBZone small business concerns, previously located in 19.1307(b), (c), and (d). ○ 19.208, “Evaluating and awarding under the 8(a) Program”, consolidates all evaluation and award procedures for the 8(a) program from former subpart 19.8, “Contracting with the Small Business Administration (The 8(a) Program)” including competitive procedures (former 19.805-2), contract negotiation (former 19.808), pricing (former 19.806), fair market price estimation (former 19.807), preaward survey (former 19.809-1), effect of exiting the 8(a) program on eligibility for award (formerly 19.816), contract preparation (former 19.811), and SBA appeals (former 19.810). • Subpart 19.3, “Postaward”, consolidates all policies and procedures applicable after a contract has been awarded. <ul style="list-style-type: none"> ○ 19.301, “Small business size rerepresentations”, relocates the requirements for a contractor to rerepresent its size status after award. It combines the content from former 19.301-2 and 19.301-3 into a single, logically placed post-award section. The content is further updated: <ul style="list-style-type: none"> ▪ For IDIQ contracts, removes rerepresentation at the order level. ▪ Clarifies that agency small business credit is driven by status at the master contract level which is updated when certain contract level events take place (e.g. option exercise, novations). ○ 19.302, “Small business subcontracting plans”, consolidates all post-award responsibilities related to subcontracting plans. It incorporates procedures for requiring a plan after award due to a modification (from former 19.705-2(e)), monitoring compliance with the plan (from former 19.705-7), and other postaward

FAR Part	Change	Description
		<p>responsibilities of the contracting officer (from former 19.705-6).</p> <ul style="list-style-type: none"> ○ 19.303, “8(a) Program contracts”, consolidates all post-award aspects of the 8(a) program. It includes guidance on contract administration (from former 19.812), contractual obligations for contractors exiting the program (from former 19.816(a)), and post-award rules for indefinite-delivery contracts (from former 19.804-6). ● The following provisions and clauses are updated to reflect plain language or content moved from part 19 into the applicable clause or provision to avoid unnecessary duplication. <ul style="list-style-type: none"> ○ 52.219-1 (Provision) Small Business Program Representations ○ 52.219-2 (Provision), Equal Low Bids ○ 52.219-3 (Clause), Notice of HUBZone Set-Aside or Sole-Source Award ○ 52.219-4 (Provision), Notice of Price Evaluation Preference for HUBZone Small Business Concerns ○ 52.219-6 (Clause), Notice of Total Small Business Set-Aside ○ 52.219-8 (Clause), Utilization of Small Business Concerns ○ 52.219-9 (Clause), Small Business Subcontracting Plan ○ 52.219-10 (Clause), Incentive Subcontracting Program ○ 52.219-14 (Clause), Limitations on Subcontracting ○ 52.219-16 (Clause), Liquidated Damages-Subcontracting Plan ○ 52.219-27 (Clause), Notice of Set-Aside for, or Sole-Source Award to, Service-Disabled Veteran-Owned Small Business (SDVOSB) Concerns Eligible Under the SDVOSB Program ○ 52.219-28 (Clause), Postaward Small Business Program Rerepresentation ○ 52.219-29 (Clause), Notice of Set-Aside for, or Sole-Source Award to, Economically Disadvantaged Women-Owned Small Business Concerns ○ 52.219-30 (Clause), Notice of Set-Aside for, or Sole-Source Award to, Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program ○ 52.219-33 (Clause), Nonmanufacturer Rule ● The FAR Companion is expected to include best practice information not required in the FAR, on the following content: <ul style="list-style-type: none"> ○ Set-asides for orders under multiple-award contracts

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ Determining the appropriate NAICS code for the solicitation ○ Framework of the Office of Small Business Disadvantaged Business (OSDBU) ○ Encouraging small business participation in acquisitions ○ Identification of manufacturers ○ Price evaluation preference for HUBZone small business concerns
19	Removed	<ul style="list-style-type: none"> ● 19.203, “Relationship among small business programs”, is removed because it is not statutorily required or essential for sound procurement. ● 19.502-5, “Insufficient reasons for not setting aside an acquisition”, has been deleted. The principles it contained are implicit within the mandatory nature of the set-aside requirements (new section 19.104). ● 19.602-3, “Resolving differences between the agency and the SBA”, is removed because it is not statutorily required or essential to sound procurement, and it has potential to cause confusion. ● 19.706, “Responsibilities of the cognizant administrative contracting officer”, is removed because it is not statutorily required or essential to sound procurement. ● 19.707, “The Small Business Administration's role in carrying out the program”, is removed because it is not statutorily required or essential to sound procurement. ● Separate sections on “General”, “Applicability” and “Exclusions” are removed from the HUBZone, SDVOSB, and WOSB subparts as they are unnecessary and duplicative of content elsewhere in the part. ● The following clause is removed as it is not required by statute or essential to sound procurement: <ul style="list-style-type: none"> ○ 52.219-32 (Clause), Orders Issued Directly Under Small Business Reserves
22	Retained	<ul style="list-style-type: none"> ● Subpart 22.7 remains reserved. ● Subpart 22.12 remains reserved. ● Subpart 22.20 remains reserved. ● Numerous provisions and clauses are retained (or remain reserved) with no changes. For readability of this document, all retained provisions and clauses are not listed. Updated and deleted provisions and clauses are listed below.

FAR Part	Change	Description
22	Moved / Updated	<ul style="list-style-type: none"> Section 22.001, “Definitions”, is updated to centralize definitions that were previously scattered throughout the part, make conforming edits to existing definitions to reflect the new part structure, and make other updates to modernize or streamline the definitions as appropriate. <ul style="list-style-type: none"> The definition of “Administrator” is revised to remove the full mailing address. The definition of “Normal workweek” is relocated from the former subsection 22.103-1. The definition of “Secretary” is relocated from section 22.1601 in order to standardize the term’s usage throughout the part. The definition of “Service contract” is updated to align the citations with the changes made to the part. All subparts, unless otherwise noted, are updated and restructured. Content from former sections has been consolidated and relocated into new sections that reflect the acquisition lifecycle (e.g., Presolicitation, Evaluation and Award, Postaward). Subsection 22.201-1, “General”, streamlines the detailed explanatory text from Executive Order 11755, which was quoted at length in the former 22.201. The section now simply states that the Executive Order “does not prohibit the contractor... from employing certain persons as stated in paragraph (b) of the clause at 52.222-3, Convict Labor”. This change streamlines the regulation by relying on the text of the contract clause itself to provide the specific requirements, rather than repeating them in the FAR text. Section 22.401, “Definitions”, revises and harmonizes the definition of “Laborers or mechanics” with the definition used in Subpart 22.3. The updated definition in this section explicitly includes “firefighters, fireguards, and workmen who perform services in connection with dredging or rock excavation in rivers or harbors” and excludes “any employee employed as a seaman”. This creates greater consistency across related subparts. Paragraph (d) under subsection 22.402-3, “Construction Wage Rate Requirements Statute” retains the direction (previously at 22.404-2(c)(5)) for contracting officers to seek assistance from the Administrator of the Wage and Hour Division in cases of doubt as to the proper application of wage rate schedules. The detailed guidance for selecting the proper schedule of wage rates (e.g., Building, Residential, Highway, Heavy) has been removed. Section 22.1303, “Evaluation and award”, under subpart 22.13, “Equal Opportunity for Veterans”, removes the option to contact VETS-4212 customer support (previously at 22.1304(b)) to verify

FAR Part	Change	Description
		<p>if a proposed contractor is current with its VETS-4212 Report. Now, contracting officers must query the VETS-4212 database.</p> <ul style="list-style-type: none"> • The following provisions and clauses are updated for clarity, to mirror updates made throughout the part, and/or to update cross-references or remove outdated content: <ul style="list-style-type: none"> ○ 52.222-4 (Clause), Contract Work Hours and Safety Standards—Overtime Compensation ○ 52.222-6 (Clause), Construction Wage Rate Requirements ○ 52.222-11 (Clause), Subcontracts (Labor Standards) ○ 52.222-19 (Clause), Child Labor—Cooperation with Authorities and Remedies ○ 52.222-20 (Clause), Contracts for Materials, Supplies, Articles, and Equipment ○ 52.222-35 (Clause), Equal Opportunity for Veterans ○ 52.222-36 (Clause), Equal Opportunity for Workers with Disabilities ○ 52.222-37 (Clause), Employment Reports on Veterans ○ 52.222-48 (Provision), Exemption From Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Certification ○ Alternate I to 52.222-50 (Clause), Combating Trafficking in Persons ○ 52.222-52 (Provision), Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Certification ○ 52.222-53 (Clause), Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements ○ 52.222-54 (Clause), Employment Eligibility Verification • The FAR Companion is expected to include best practices and guidance on the following: <ul style="list-style-type: none"> ○ Definitions not included in the deviated text ○ Department of Labor regulations involving construction ○ Construction Wage Rate Requirements statute wage determinations ○ Types of wage determinations ○ Wage determinations, general requirements ○ Notification of improper wage determination before award ○ Examinations of payrolls and payroll statements ○ Disposition of disputes concerning construction contract labor standards enforcement ○ Requirement to obtain wage determinations

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ Administrative limitations, variations, tolerances, and exemptions ○ Examples of contracts covered by the Service Contract Labor Standards statute ○ Repair distinguished from remanufacturing of equipment ○ Department of Labor responsibilities and regulations ○ Obtaining wage determinations ○ Successorship with incumbent contractor collective bargaining agreement ○ All possible places of performance not identified
22	Removed	<ul style="list-style-type: none"> • The definitions of “Wage and Hour Division” and “Wage Determination” formerly at section 22.1001, are removed and expected to be included in the FAR Companion. • Subpart 22.8, “Equal Employment Opportunity”, is removed and marked reserved to comply with E.O. 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity. • Subpart 22.11, “Professional Employee Compensation” is removed and marked reserved. This subpart was not based on statute. • The following provisions and clauses are removed and marked reserved to comply with E.O. 14173 or because they are not required by statute or essential to sound procurement: <ul style="list-style-type: none"> ○ 52.222-21 (Clause), Prohibition of segregated facilities ○ 52.222-22 (Provision), Previous Contracts and Compliance Reports ○ 52.222-23 (Provision), Notice of Requirement for Affirmative Action To Ensure Equal Employment Opportunity for Construction ○ 52.222-24 (Provision), Preaward On-Site Equal Opportunity Compliance Evaluation ○ 52.222-25 (Provision), Affirmative Action Compliance ○ 52.222-26 (Clause), Equal Opportunity ○ 52.222-27 (Clause), Affirmative Action Compliance Requirements for Construction ○ 52.222-29 (Clause), Notification of Visa Denial ○ 52.222-38 (Provision), Compliance with Veterans’ Employment Reporting Requirements ○ 52.222-46 (Provision), Evaluation of Compensation for Professional Employees
23	Retained	<ul style="list-style-type: none"> • The following provision and clauses are retained (or remain reserved) with no changes:

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ 52.223-4 (Provision), Recovered Material Certification 52.223-5 (Clause), Pollution Prevention and Right-to-Know Information ○ 52.223-6 remains reserved ○ 52.223-8 remains reserved ○ 52.223-9 (Clause), Estimate of Percentage of Recovered Material Content for EPA-Designated Items ○ 52.223-13 thru 52.223-18 remain reserved
23	Moved / Updated	<ul style="list-style-type: none"> • Section 23.000, “Scope of Part”, is updated to align with the new part title. It removes references to “environment”, replaces “sustainable products and services” with “sustainable acquisition” and adds the phrase “preventing pollution”. • Subpart 23.1, “Sustainable Products”, is updated to remove “and Services” from the subpart title. The “Scope of Part” at 23.100 is streamlined and removes redundant references to content covered in FAR part 12. • Section 23.101, “Definitions” is updated to include: <ul style="list-style-type: none"> ○ New definitions: <ul style="list-style-type: none"> ▪ Energy-efficient product ▪ Low standby power device ▪ Sustainable product ○ Definitions updated for clarity: <ul style="list-style-type: none"> ▪ EPA-designated item ▪ USDA-designated product category • Sections 23.102, “Policy”, 23.103, “Procedures”, and 23.104, “Priorities”, streamline and consolidate former sections in this subpart. <ul style="list-style-type: none"> ○ 23.102 presents a clear mandate that agencies must procure sustainable products to the maximum extent practicable. ○ 23.103 outlines three direct steps for the contracting officer when procuring sustainable products. ○ 23.104 provides clear priorities for acquisition teams when procuring sustainable products. • Section 23.106, “Restrictions”, provides improved clarity on products the contracting officer is prohibited from purchasing. • Subpart 23.2, “Energy Savings Performance Contracts”, is updated for clarity and efficiency. • Section 23.201, “Definition” is added to provide a formal definition for “Energy savings performance contract”. • Subpart 23.3, “Material Safety”, updates its title from “Hazardous Material Identification, Material Safety Data, and Note of

FAR Part	Change	Description
		<p>Radioactive Materials”. The content is updated for clarity, streamlining and/or to remove outdated content.</p> <ul style="list-style-type: none"> • Subpart 23.4, “Pollution Prevention”, updates its title from “Pollution Prevention, Environmental Management Systems, and Waste Reduction”. The content is updated for clarity, streamlining, and/or to remove outdated content. <ul style="list-style-type: none"> ○ 23.401, “Definitions”, is updated to remove definition of “Federal agency” and add definitions for: <ul style="list-style-type: none"> ▪ “Pollution prevention” ▪ “Toxic chemical” (from 23.001) • The following provision and clauses are updated for clarity, to mirror updates made throughout the part, and/or to update cross-references or remove outdated content: <ul style="list-style-type: none"> ○ 52.223-1 (Provision), Biobased Product Certification ○ 52.223-2 (Clause), Reporting of Biobased Products Under Service and Construction Contracts ○ 52.223-3 (Clause), Hazardous Material Identification and Safety Data ○ 52.223-7 (Clause), Notice of Radioactive Materials ○ 52.223-11 (Clause), Ozone-Depleting Substances 5 ○ 2.223-12 (Clause), Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners ○ 52-223-23 (Clause), Sustainable Products • The FAR Companion is expected to include best practice and guidance on the following: <ul style="list-style-type: none"> ○ Energy Savings Performance Contracts (ESPCs) ○ Resources for Statutory Environmental Purchasing Programs
23	Removed	<ul style="list-style-type: none"> • The definitions of “Environmental” and “Greenhouse gas”, previously at 23.001, are deleted, as they were primarily relevant to the now-deleted subpart 23.5. • “Environmental management systems”, formerly section 23.404 is deleted. This deletion is based on the revocation of E.O. 14057. • “Waste reduction program”, formerly section 23.405 is deleted. This deletion is based on the revocation of E.O. 14057. • “Greenhouse Gas Emissions”, formerly subpart 23.5 is deleted. This deletion is based on the revocation of E.O. 14057. • The following provision and clauses are removed and marked reserved based on the revocation of E.O. 14057 or because they are not required by statute or otherwise essential to sound procurement: <ul style="list-style-type: none"> ○ 52.223-10 (Clause), Waste Reduction Program

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ 52.223-19 (Clause), Compliance with Environmental Management Systems ○ 52.223-20 (Clause), Aerosols ○ 52.223-21 (Clause), Foams ○ 52.223-22 (Provision), Public Disclosure of Greenhouse Gas Emissions and Reduction Goals-Representation.
25	Retained	<ul style="list-style-type: none"> • Section 25.001, “General”, is retained with minor updates to remove reference to the American Recovery and Reinvestment Act (ARRA) of 2009 (Pub. L. 111-5), which is no longer active. • Section 25.003, “Definitions”, is retained with minor edits throughout. • Subpart 25.8, “Other International Agreements and Coordination”, is retained because it is anchored in international treaties and agreements that are part of international law. • Subpart 25.9, “Customs and Duties”, is retained in full because it implements statutory customs requirements and duty requirements. • Subpart 25.10, “Additional Foreign Acquisition Regulations”, is mostly retained as statutorily required. <ul style="list-style-type: none"> ○ Section 25.1003, “Tax on Certain Foreign Procurements”, is deleted as this content is implemented in part 29. <p>The FAR Companion is expected to include best practice information on tax on foreign procurements.</p> • The following provisions and clauses are retained (or remain reserved) with no changes: <ul style="list-style-type: none"> ○ 52.225-2 (Provision), Buy American Certificate ○ 52.225-5 (Clause), Trade Agreements ○ 52.225-6 (Provision), Trade Agreements Certificate ○ 52.225-7 (Provision), Waiver of Buy American Statute for Civil Aircraft and Related Articles ○ 52.225-8 (Clause), Duty-Free Entry ○ 52.225-10 (Provision), Notice of Buy American Requirement—Construction Materials ○ 52.225-12 (Provision), Notice of Buy American Requirement—Construction Materials Under Trade Agreements ○ 52.225-14 (Clause), Inconsistency between English Version and Translation of Contract ○ 52.225-15 & 52.225-16 remain reserved ○ 52.225-17 (Provision), Evaluation of Foreign Currency Offers ○ 52.225-18 (Provision), Place of Manufacture

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ 52.225-19 (Clause), Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission Outside the United States ○ 52.225-26 (Clause), Contractors Performing Private Security Functions Outside the United States.
25	Moved / Updated	<ul style="list-style-type: none"> • Section 25.002, “Applicability of Subparts”, has been updated to align with the part 25 organizational structure and is expected to be moved to the FAR Companion. It is now [Reserved]. • Subpart 25.1, “Buy American—Supplies”, is retained and updated. <ul style="list-style-type: none"> ○ Section 25.103 adopts the centralized waiver process for individual nonavailability determinations. <ul style="list-style-type: none"> ▪ Submission to MIAO: The new 25.103(b)(2)(iii) requires contracting officers to submit a proposed individual nonavailability waiver for review and posting to the public-facing website, MadeinAmerica.gov, using a digital waiver portal managed by the MIAO. ▪ Prohibition on Award: The contracting officer may not make an award until: (1) the MIAO has completed its review of the proposed waiver; (2) the MIAO has waived the review requirement; or (3) a specific exception to the posting requirement applies. ▪ Procedural Details: Subparagraphs (b)(2)(iii)(A) through (D) require the use of a standardized digital form, specify that certain information will be made public, establish MIAO review times, and outline exceptions for urgent requirements. In cases of urgency, a report must be filed within 30 days of award. • Subpart 25.2, “Buy American—Construction Materials”, is retained and revised to align with the changes in subpart 25.1 and to streamline its content. <ul style="list-style-type: none"> ○ Section 25.203, “Preaward Determinations” <ul style="list-style-type: none"> ▪ Section 25.203(a) has been streamlined. The instructions for offerors are more appropriately located within the solicitation provisions (e.g., 52.225-10 and 52.225-12). ○ Section 25.204, “Evaluating Offers of Foreign Construction Material”, has been revised for clarity and restructured.

FAR Part	Change	Description
		<ul style="list-style-type: none"> • Subpart 25.4, “Trade Agreements”, is updated to remove the specific requirement for post-award notices previously at 25.408(a)(5), as it is redundant of content in other FAR parts. • Subpart 25.5, “Evaluating Foreign Offers—Supply Contracts” <ul style="list-style-type: none"> ○ The examples and tables formerly at section 25.504, “Evaluation Examples” are removed and expected to be included in the FAR Companion. • Subpart 25.6, “Solicitation Provisions and Contract Clauses”, is a relocation of the former Subpart 25.11. The content and structure are largely identical. Subpart 25.11 is now reserved. • Subpart 25.7, “Contracts Performed Outside the United States”, is a relocation of the former Subpart 25.3. The content and structure are largely identical. Subpart 25.3 is now reserved. • The following provision and clauses have been updated to reflect plain language, update cross-references, or make corresponding updates within the part: <ul style="list-style-type: none"> ○ 52.225-1 (Clause), Buy American—Supplies ○ 52.225-3 (Clause), Buy American—Free Trade Agreements—Israeli Trade Act ○ 52.225-4 (Provision), Buy American—Free Trade Agreements—Israeli Trade Act Certificate ○ 52.225-9 (Clause), Buy American—Construction Materials ○ 52.225-11 (Clause), Buy American—Construction Materials Under Trade Agreement
25	Removed	<ul style="list-style-type: none"> • Subpart 25.6, “American Recovery and Reinvestment Act-Buy American statute-Construction Materials”, is deleted as obsolete because the content was specific to construction projects funded by the ARRA of 2009 which is no longer active. • Subpart 25.7, “Prohibited Sources”, is deleted, along with the following provisions and clauses, because this content has been moved to RFO FAR part 40. <ul style="list-style-type: none"> ○ 52.225-13 (Clause), Restrictions on Certain Foreign Purchases ○ 52.225-20 (Provision), Prohibition on Conducting Restricted Business Operations in Sudan—Certification. ○ 52.225-25 (Provision), Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran—Representation and Certifications. • The following provisions and clauses were deleted as obsolete because the content was specific to construction projects funded by the ARRA of 2009 which is no longer active:

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ 52.225-21 (Clause), Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials. ○ 52.225-22 (Provision), Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials ○ 52.225-23 (Clause), Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements. ○ 52.225-24 (Provision), Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements.
32	Retained	<ul style="list-style-type: none"> • Section 32.001, “Definitions” is retained with plain language updates. • Most provisions and clauses are retained (or remain reserved). Exceptions are noted in the “Moved / Updated” section below.
32	Moved / Updated	<ul style="list-style-type: none"> • Section 32.000, “Scope of part”, is updated to include the statutory references for the part. <ul style="list-style-type: none"> ○ This section adds “(k) Fast payment procedures” to correspond with the newly introduced Subpart 32.12. • Section 32.002, “Applicability of subparts”, adds reference to “Subpart 32.12, Fast Payment Procedure”. • Subpart 32.12, “Fast Payment Procedure”, formerly at subpart 13.4 is added to the part. This procedure is a method for expediting payments on certain small-dollar supply contracts where traditional receiving and acceptance processes are impractical. Moving the procedure to part 32 enhances acquisition agility. • The following clauses are updated for clarity, to mirror updates made throughout the part, and/or to update cross-references or remove outdated content: <ul style="list-style-type: none"> ○ 52.232-3 (Clause), Payments Under Personal Services Contracts ○ 52.232-12 (Clause), Advance Payments <ul style="list-style-type: none"> ▪ Including “Advance Payments Without Special Account” ○ 52.232-16 (Clause), Progress Payments ○ 52.232-20 (Clause), Limitation of Cost ○ 52.232-22 (Clause), Limitation of Funds ○ 52.232-36 (Clause), Payment by Third Party • The following clause is added to the part:

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ 52.232-90 (Clause), Fast Payment Procedure (previously at 52.213-1) • The FAR Companion is expected to contain best practices and guidance on the following: <ul style="list-style-type: none"> ○ Contract Financing Payments ○ Advance Payments for Other Than Commercial Acquisitions ○ Deferment of Collection ○ Limitation of Cost
32	Removed	<ul style="list-style-type: none"> • Paragraph (d) under section 32.102, “Description of contract financing methods” is deleted and marked reserved. The content was largely explanatory, as the requirement to pay for accepted partial deliveries is a standard payment method governed by Prompt Payment rules in Subpart 32.9 and standard payment clauses, not a form of contract financing. See the FAR Companion for best practice. • Sections 32.304 through 32.306, under subpart 32.3, “Loan Guarantees for Defense Production”, are deleted and marked reserved. These sections and associated subsections provided extensive procedural details for the loan guarantee program. While the program's authority remains in sections 32.302 and 32.303, the responsibility for implementation procedures is with the individual guaranteeing agencies and does not need to be spelled out in detail in the FAR. • Section 32.403 “Applicability”, under subpart 32.4, “Advance Payments for Other Than Commercial Acquisitions”, is deleted and marked reserved. The language provided a detailed list in paragraphs (a) through (h), of eight specific categories where advance payments might be appropriate. This served as illustrative guidance and a non-exhaustive checklist that is not based in statute or required in the FAR. See the FAR Companion for best practice.
37	Retained	<ul style="list-style-type: none"> • Section 37.000, “Scope of part”, is retained and revised for brevity and focus. The legacy text included a detailed list of other applicable FAR parts (35, 36, 39, 47), a statement of precedence for those parts, and a specific reference to the Service Contract Labor Standards. The revised text removes these specific cross-references, retaining only the core statement that the part prescribes policy for service contracts and applies to all such contracts and orders.

FAR Part	Change	Description
		<ul style="list-style-type: none"> • Subsection 37.101-1, “Policy”, located under “Presolicitation” for PBA, retains the mandate to use PBA methods to the maximum extent practicable, lists the same exceptions (architect-engineer services, construction, utility services, and incidental services), and retains the required order of precedence for contract types. The language clarifies that this policy applies to acquisitions of commercial services using FAR part 12 procedures. • Subsection 37.102-1, “Procedures”, under “Evaluation and award” for PBA, consolidates and rewrites the content from the legacy sections 37.601, 37.602, and 37.603. It clarifies the relationship between the Performance Work Statement (PWS) and the Statement of Objectives (SOO), stating that the SOO is used to guide PWS development but does not become part of the contract. It also incorporates the requirements for describing work in terms of outcomes and using measurable performance standards. • Subsection 37.201-1, “Policy”, under “Presolicitation” for Personal Services, retains the requirement that agencies must not contract for personal services unless specifically authorized by statute. • The following provisions and clauses are retained with no changes to text: <ul style="list-style-type: none"> ○ 52.237-1 (Provision), Site Visit ○ 52.237-2 (Clause), Protection of Government Buildings, Equipment, and Vegetation ○ 52.237-3 (Clause), Continuity of Services ○ 52.237-4 (Clause), Payment by Government to Contractor ○ 52.237-5 (Clause), Payment by Contractor to Government ○ 52.237-6 (Clause), Incremental Payment by Contractor to Government ○ 52.237-10 (Provision), Identification of Uncompensated Overtime
37	Moved / Updated	<ul style="list-style-type: none"> • Most of the definitions previously at section 37.101 have been relocated to more relevant areas of the part. The definition of “Service contract” has been updated and moved to a new section at the part level, 37.001, “Definition”. The definitions of “Child care services”, “Adjusted hourly rate (including uncompensated overtime)”, and “Uncompensated overtime” have been relocated to subparts 37.5 and 37.8. • Subpart 37.1, “Performance-based Acquisition” is a new subpart that represents a major consolidation and elevation of PBA policy. It merges the policy preference for PBA from the former 37.102(a) with the procedural guidance from the entirety of the former Subpart 37.6. Placing all PBA content into a single, high-level

FAR Part	Change	Description
		<p>subpart streamlines the regulation and makes the guidance significantly easier for contracting personnel to locate and apply. Under the old structure, a user had to read 37.102(a) to understand that PBA was the preferred method and then navigate to the very end of the part to find the implementation details.</p> <ul style="list-style-type: none"> • Subpart 37.2, “Personal Services”, is created by consolidating and substantially rewriting the content from the former 37.104. This gives the critical topic of personal services its own dedicated, high-visibility subpart. <ul style="list-style-type: none"> ○ Subsection 37.201-2, “Characteristics of personal services contracts”, replaces the lengthy, six-factor descriptive guide previously located at 37.104(d). • Subpart 37.3, “Inherently Governmental Functions”, consolidates policy previously found in two separate locations: the one-sentence prohibition from the former 37.102(c) and the detailed oversight requirements from the former 37.114. The new structure logically groups the presolicitation prohibition with the necessary post-award administration actions, presenting a complete, unified block of guidance. • Subpart 37.4, “Advisory and Assistance Services (A&AS)”, is the reorganized successor to the former Subpart 37.2. The content has been restructured into the new acquisition lifecycle format. <ul style="list-style-type: none"> ○ 37.401, “Definition”, relocates the definition of “Covered personnel” from the former 37.201. ○ 37.402-1, “Policy”, provides clarity on the types of A&AS for which agencies may contract. ○ 37.402-3, “A&AS contracts for the evaluation of proposals”, clarifies the timing requirement for the agency head’s determination regarding the availability of personnel for proposal evaluation, stating that the contracting officer must ensure, to the maximum extent practicable, the determination is made prior to issuing the solicitation, or if the need arises later, prior to granting the A&AS contractor access to proposal material. • Subpart 37.5, “Child Care Services”, is a new subpart created by consolidating the definition of “Child care services” from former 37.101 with the contracting officer’s responsibility for ensuring criminal history background checks from former 37.103(d). This consolidation creates a single, easy-to-find location for all rules related to this specific category of service contracts, improving usability and ensuring this important safety requirement is not overlooked.

FAR Part	Change	Description
		<ul style="list-style-type: none"> • Subpart 37.6, “Nonpersonal Health Care Services”, is renumbered and reorganized from the former Subpart 37.4. The content is restructured into the lifecycle format, which clarifies the timing of the contracting officer’s actions regarding medical liability insurance. <ul style="list-style-type: none"> ○ 37.601-2, “Procedures”, adds a procedural step, explicitly instructing the contracting officer to insert the necessary insurance coverage values into paragraph (a) of the clause at 52.237-7. • Subpart 37.7, “Dismantling, Demolition, or Removal of Improvements”, is renumbered and reorganized from the former Subpart 37.3. The content is largely the same but is now organized under a single “Presolicitation” section (37.701), as most of the content relates to structuring the solicitation and contract. The language has been slightly revised for clarity and readability. • Subpart 37.8, “Other Service Considerations”, is a new subpart that acts as a consolidated home for various standalone content that was previously scattered throughout the former Subpart 37.1. The following illustrates this major consolidation effort. <ul style="list-style-type: none"> ○ Uncompensated Overtime: Content from the former 37.115 and the related definitions previously at 37.101 are consolidated and reorganized into new sections 37.801 (Definitions), 37.802 (Presolicitation), and 37.803 (Evaluation and award). ○ Services of quasi-military armed forces: Content from the former 37.109 is relocated to the new 37.802-2. Note, reference to “Pinkerton Detective agencies” is deleted. ○ Foreign national severance cost limitations: Content from the former 37.113 is relocated and revised in the new 37.802-3. ○ Use of private sector temporaries: Content from the former 37.112 is relocated to the new 37.802-4 ○ Solicitation provisions and contract clauses: The list of general service contract clauses from the former 37.110 is relocated to the new 37.802-5. ○ Funding and term of service contracts: Content from the former 37.106 is relocated to the new 37.803-2. • The following provision and clauses are updated to correct cross-references: <ul style="list-style-type: none"> ○ 52.237-7 (Clause), Indemnification and Medical Liability Insurance ○ 52.237-8 (Provision), Restriction on Severance Payments to Foreign Nationals

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ 52.237-9 (Clause), Waiver of Limitation on Severance Payments to Foreign Nationals • The FAR Companion is expected to include best practice information on the following moved content that is not statutorily required: <ul style="list-style-type: none"> ○ Examples of various types of service contracts (formerly at 37.101) ○ Factors that aid in determining whether a contract is for personal services (formerly at 37.104) ○ Strategic inclusion of “continuity of services” and “option to extend services” clauses (formerly at 37.111)
37	Removed	<ul style="list-style-type: none"> • The definition of “Nonpersonal services contract”, previously at section 37.101, is deleted as unnecessary. • Former section 37.604, “Quality Assurance Surveillance Plans”, is removed from part 37. This topic is covered comprehensively in FAR Part 46, and its inclusion in Part 37 was redundant. • Former section 37.102 (paragraphs b, e, f, g, h, i, j). These paragraphs contained general policy statements, such as the directive to rely on the private sector (OMB Circular A-76), obtain services cost-effectively, prevent fraud and abuse, ensure trained officials are available, and limitations on using the lowest price technically acceptable source selection process. These statements were largely high-level policy pronouncements that are covered more authoritatively elsewhere in the part or in other parts of the FAR (e.g., Part 1, Part 7, Part 15) or are considered inherent responsibilities of the acquisition workforce. Their removal streamlines Part 37 to focus on actionable rules specific to service contracting. • Former section 37.103 (Contracting officer responsibility). This general list of contracting officer responsibilities is deleted as a standalone section. The specific duties contained within it have been integrated directly into the new, relevant topical subparts, making the guidance more contextual and direct. • Former sections 37.105, 37.107, 37.108, 37.111. These sections, which addressed competition, Service Contract Labor Standards, Small Business Certificates of Competency, and extension of services, have been deleted. The content of these sections is fully covered elsewhere in the part or in other parts of the FAR (e.g., part 6, part 17, part 19, and part 22, respectively), making their inclusion in Part 37 duplicative.

FAR Part	Change	Description
		<ul style="list-style-type: none"> • Former subpart 37.5 (Management Oversight of Service Contracts). This entire subpart, which referenced OFPP Policy Letter 93-1 and the use of “best practices”, has been deleted.
41	Retained	<ul style="list-style-type: none"> • All subparts were retained. • Subpart 52.2, “Text of Provisions and Clauses”, retained the existing provision (1) and all clauses (12) related to FAR part 41 as prescribed in FAR 41.501, as is, with no revisions.
41	Updated	<ul style="list-style-type: none"> • Section 41.101, “Definitions”, is updated. Services such as broadband internet and information technology services, which were nascent or nonexistent when the original regulation was drafted, are now explicitly carved out. • The definition of “utility service” is updated and includes continuous service such as furnishing electricity, natural or manufactured gas, water, sewerage, thermal energy, chilled water, steam, hot water, or high temperature hot water for use in the United States. <ul style="list-style-type: none"> ○ Utility services does not include any of the above when purchased for use in a foreign country. ○ Utility services does not include broadband internet, non-broadcast television, telecommunications services, information technology services, acquisitions of natural or manufactured gas when not purchased as utility services (i.e., when purchased as commodities).
41	Removed	<ul style="list-style-type: none"> • 41.101, “Definitions”, removed “delegated agency”, and “multiple service locations”. • Removed general outdated citations to content that is now removed. • Section 41.201, “Policy”, removed paragraph (c). • Section 41.202, “Procedures”, paragraph removed (a), internal contracting officer guidance, as well as outdated citations. • Section 41.204, “GSA areawide contracts”, removed outdated citations, and remove paragraph (d), “List of areawide contracts”. • Section 41.206, “Interagency agreements”, removed reference to another FAR part as unnecessary. • Section 41.301, “Requirements”, removed a GSA address for GSA regional offices as redundant and unnecessary. • Subpart 41.5, “Solicitation Provision and Contract Clauses”, removed unnecessary reference to the contracting officer to comport with FAR drafting guidelines.

FAR Part	Change	Description
42	Retained	<ul style="list-style-type: none"> • Subpart 42.1, “Contract Audit Services”, is streamlined with plain language updates. • Subpart 42.2, “Contract Administration Services”, is streamlined with plain language updates. • Subpart 42.3, “Contract Administration Office Functions”, is retained. The list of 71 functions has been updated with plain language and revised cross-references to align with the new part structure. • Most provisions and clauses have been retained (or remain reserved) with no changes. The only exception is noted in the “Moved/Updated” section below.
42	Moved / Updated	<ul style="list-style-type: none"> • Subpart 42.4, “Corporate Administrative Contracting Officer”, is renumbered from subpart 42.6 and streamlined. • Subpart 42.5, “Indirect Cost Rates”, is renumbered from subpart 42.7 and streamlined. • Subpart 42.6, “Disallowance of Costs”, is renumbered from subpart 42.8 and streamlined. • Subpart 42.7, “Bankruptcy”, is renumbered from subpart 42.9 and streamlined. • Subpart 42.8, “Production Surveillance and Reporting”, is renumbered from subpart 42.11 and streamlined. • Subpart 42.9, “Novation and Change-of-Name Agreements”, is renumbered from subpart 42.12 and streamlined. • Subpart 42.10, “Suspension of Work, Stop-Work Orders, and Government Delay of Work”, is renumbered from subpart 42.13 and streamlined. • Subpart 42.11, “Contractor Performance Information”, is renumbered from subpart 42.15. The structure of the “policy” and “procedures” sections (formerly 42.1502 and 42.1503, now 42.1102 and 42.1103) has been substantially improved. The subpart uses more headings, numbered lists, and subparagraphs to break down complex requirements into more digestible components. <ul style="list-style-type: none"> ○ Subsection 42.1101 removes language limiting past performance information to future “source selection” purposes <ul style="list-style-type: none"> ▪ From: “Past performance information (including the ratings and supporting narratives) is relevant information, <u>for future source selection purposes</u>, regarding a contractor’s actions under previously awarded contracts or orders.” ▪ To: “Past performance information (including the ratings and supporting narratives) is relevant

FAR Part	Change	Description
		<p>information, for future purposes, regarding a contractor's actions under previously awarded contracts or orders.”</p> <ul style="list-style-type: none"> ○ Subsection 42.1103(d)(4) provides an end date for marking performance evaluations as source selection. It now states, “Evaluations of contractor performance developed on contracts awarded prior to April 1, 2026 should be marked ‘Source Selection Information’”. This update emphasizes that past performance information is no longer limited only to future source selection purposes. ○ Subsection 42.1103(f) replaces the reference to FAPIIS (formally at 42.1503(g)) with the “responsibility/qualification reports in the System for Award Management (SAM), at SAM.gov”. ● Subpart 42.12, “Small Business Contract Administration”, is renumbered from subpart 42.16 and streamlined. ● Subpart 42.13, “Forward Pricing Rate Agreements”, is renumbered from subpart 42.17 and streamlined. ● The following clause has been updated to align cross-references: <ul style="list-style-type: none"> ○ 52.242-3 (Clause), Penalties for Unallowable Costs ● The FAR Companion is expected to include best practice information not required in the FAR, on the following content: <ul style="list-style-type: none"> ○ Uses of performance information ○ Interagency agreements ○ Cognizant federal agency ○ Contract administration functions ○ Contract correspondence ○ Visits to contractors' facilities ○ Evaluation of contract administration functions ○ Postaward orientation ○ Selecting contracts for postaward orientation ○ Postward subcontractor conferences ○ Procedures related to distribution of documentation of indirect contract rates ○ Production surveillance and reporting requirements ○ Evaluation of Federal Prison Industries (FPI) performance
42	Removed	<ul style="list-style-type: none"> ● Former subparts 42.4, “Correspondence and Visits”, and 42.5, “Postaward Orientation”, are removed. Best practice content is expected to be moved to the FAR Companion. ● 42.1502 paragraph (h) is removed to allow for past performance evaluations of AbilityOne.

FAR Part	Change	Description
47	Retained	<ul style="list-style-type: none"> • All subparts are retained, reorganized, and streamlined to improve flow and remove procedural guidance. <ul style="list-style-type: none"> ○ Subpart 47.1 - General ○ Subpart 47.2 - Contracts for Transportation or for Transportation-Related Services ○ Subpart 47.3 - Transportation in Supply Contracts ○ Subpart 47.4 - Air Transportation by U.S.-Flag Carriers ○ Subpart 47.5 - Ocean Transportation by U.S.-Flag Vessels • Information that guides the part such as the “Scope of part”, “Definitions”, “Applicability”, and “Policies” are retained and streamlined (see 47.000 through 47.101). • Section 47.104, “Government Rate Tenders Under Sections 10721 and 13712 of the Interstate Commerce Act (49 U.S.C. 10721 and 13712)”, and its subsections, are retained with plain language edits, as they provide guidance on how to implement the statute. • The following provisions and clauses are retained (or remain reserved) with no changes to text: <ul style="list-style-type: none"> ○ 52.247-1 Commercial Bill of Lading Notations ○ 52.247-2 Permits, Authorities, or Franchises ○ 52.247-5 Familiarization With Conditions ○ 52.247-8 Estimated Weights or Quantities Not Guaranteed ○ 52.247-10 Net Weight—General Freight ○ 52.247-11 Net Weight—Household Goods or Office Furniture ○ 52.247-13 Accessorial Services—Moving Contracts ○ 52.247-15 Contractor Responsibility for Loading and Unloading ○ 52.247-17 Charges ○ 52.247-18 Multiple Shipments ○ 52.247-19 Stopping in Transit for Partial Unloading ○ 52.247-21 Contractor Liability for Personal Injury and/or Property Damage ○ 52.247-22 Contractor Liability for Loss of and/or Damage to Freight Other Than Household Goods ○ 52.247-23 Contractor Liability for Loss of and/or Damage to Household Goods ○ 52.247-29 F.o.b. Origin ○ 52.247-30 F.o.b. Origin, Contractor’s Facility ○ 52.247-31 F.o.b. Origin, Freight Allowed ○ 52.247-32 F.o.b. Origin, Freight Prepaid ○ 52.247-33 F.o.b. Origin, With Differentials ○ 52.247-34 F.o.b. Destination ○ 52.247-35 F.o.b. Destination, Within Consignee’s Premises

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ 52.247-36 F.a.s. Vessel, Port of Shipment ○ 52.247-37 F.o.b. Vessel, Port of Shipment ○ 52.247-38 F.o.b. Inland Carrier, Point of Exportation ○ 52.247-39 F.o.b. Inland Point, Country of Importation ○ 52.247-48 F.o.b. Destination—Evidence of Shipment ○ 52.247-53 Freight Classification Description ○ 52.247-54 remains reserved ○ 52.247-56 Transit Arrangements ○ 52.247-58 Loading, Blocking, and Bracing of Freight Car Shipments ○ 52.247-63 Preference for U.S.-Flag Air Carriers ○ 52.247-67 Submission of Transportation Documents for Audit ○ 52.247-68 Report of Shipment (REPSHIP) ○ 52.247-69 Reporting Requirement for U.S.-Flag Air Carriers Regarding Training to Prevent Human Trafficking
47	Moved / Updated	<ul style="list-style-type: none"> • Section 47.102, “Transportation insurance”, is deleted and marked reserved. Content is expected to be moved to the FAR Companion. • Section 47.103-1, addressing “Transportation Payment and Audit Regulation”, is updated from five paragraphs that detailed where and how to send paid freight bills to the General Services Administration (GSA) for audit, to a single sentence that states the statutory requirement for a prepayment audit program and directs users to 41 CFR part 102-118 for details. • Section 47.105, “Transportation Assistance”, is deleted and marked reserved. Content is expected to be moved to the FAR Companion. • 47.301-2, “Participation of Transportation Officers”, is deleted and marked reserved. Content is expected to be moved to the FAR Companion. • In subsections 47.303-1 through 47.303-11, paragraph (b) of each subsection, titled “Contractor Responsibilities”, is moved to the corresponding contract clause. • The following clauses are updated. Updates are primarily for clarity and cross-referencing corrections. <ul style="list-style-type: none"> ○ 52.247-52 Clearance and Documentation Requirements—Shipments to DOD Air or Water Terminal Transshipment Points ○ 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels

FAR Part	Change	Description
47	Removed	<ul style="list-style-type: none"> • The following sections were deleted because the content was duplicative of general service contracting principles already established in other parts of the FAR or other regulations: <ul style="list-style-type: none"> ○ 47.202, “Presolicitation Planning” ○ 47.205, “Availability of Term Contracts and Basic Ordering Agreements for Transportation or for Transportation-related Services” ○ 47.206, “Preparation of Solicitations and Contracts” ○ 47.207-2, “Duration of Contract and Time of Performance” ○ 47.207-10, “Discrepancies Incident to Shipments” • Subsections 47.303-12 through 47.303-17 are deleted as they are unnecessary. The subsections defined the following terms: <ul style="list-style-type: none"> ○ Ex dock, pier, or warehouse, port of importation ○ C.& f. destination ○ C.i.f. destination ○ F.o.b. designated air carrier's terminal, point of exportation ○ F.o.b. designated air carrier's terminal, point of importation ○ Contractor-prepaid commercial bills of lading, small package shipments • The following provisions and clauses are removed as they are not required by statute or essential to sound procurement: <ul style="list-style-type: none"> ○ 52.247-3 Capability To Perform a Contract for the Relocation of a Federal Office ○ 52.247-4 Inspection of Shipping and Receiving Facilities ○ 52.247-6 Financial Statement ○ 52.247-7 Freight Excluded ○ 52.247-9 Agreed Weight—General Freight ○ 52.247-12 Supervision, Labor, or Materials ○ 52.247-14 Contractor Responsibility for Receipt of Shipment ○ 52.247-16 Contractor Responsibility for Returning Undelivered Freight ○ 52.247-20 Estimated Quantities or Weights for Evaluation of Offers ○ 52.247-24 Advance Notification by the Government ○ 52.247-25 Government-Furnished Equipment With or Without Operators ○ 52.247-26 Government Direction and Marking ○ 52.247-27 Contract Not Affected by Oral Agreement ○ 52.247-28 Contractor's Invoices ○ 52.247-40 Ex Dock, Pier, or Warehouse, Port of Importation

FAR Part	Change	Description
		<ul style="list-style-type: none"> ○ 52.247-41 C.& f. Destination ○ 52.247-42 C.i.f. Destination ○ 52.247-43 F.o.b. Designated Air Carrier's Terminal, Point of Exportation ○ 52.247-44 F.o.b. Designated Air Carrier's Terminal, Point of Importation ○ 52.247-45 F.o.b. Origin and/or F.o.b. Destination Evaluation ○ 52.247-46 Shipping Point(s) Used in Evaluation of F.o.b. Origin Offers ○ 52.247-47 Evaluation—F.o.b. Origin ○ 52.247-49 Destination Unknown ○ 52.247-50 No Evaluation of Transportation Costs ○ 52.247-51 Evaluation of Export Offers ○ 52.247-55 F.o.b. Point for Delivery of Government-Furnished Property ○ 52.247-57 Transportation Transit Privilege Credits ○ 52.247-59 F.o.b. Origin—Carload and Truckload Shipments ○ 52.247-60 Guaranteed Shipping Characteristics ○ 52.247-61 F.o.b. Origin—Minimum Size of Shipments ○ 52.247-62 Specific Quantities Unknown ○ 52.247-65 F.o.b. Origin, Prepaid Freight—Small Package Shipments ○ 52.247-66 Returnable Cylinders
53	Retained	<ul style="list-style-type: none"> • Clause 52.253-1, Computer Generated Forms, as prescribed in FAR 53.111 is retained and updated to remove a reference to the FAR prescriptions.
53	Moved / Updated	<ul style="list-style-type: none"> • 53.001, “Definitions”, removed “printing specifications”. • 53.101, “Requirements for use of forms”, removed the last sentence that referenced the specific location of each requirement in subpart 53.2 as this was removed and forms are now found at a centralized location: https://acquisition.gov/FARforms.
53	Removed	<ul style="list-style-type: none"> • 53.000, “Scope of part”. • 53.102, “Current editions”, since the information is now contained in a centralized website location noted above. • 53.104, “Overprinting”, removed. • 53.105, “Computer generation”, paragraph (b), removed pertaining to standards listed in (a)(2).

FAR Part	Change	Description
		<ul style="list-style-type: none"> • 53.106, “Special construction and printing”, is removed in its entirety. All forms are now available at https://acquisition.gov/FARforms. • 53.107, “Obtaining forms”, is removed as the website is outdated and where to obtain forms is already provided elsewhere. • 53.109, “Forms prescribed by other regulations”, is removed. • Subpart 53.2, “Prescription of Forms”, is removed in its entirety, including sections 53.200 – 53.251. • Subpart 53.3, “Forms Used in Acquisitions”, is removed in its entirety, including section 53.300 and Table 53.1, “Forms in the GSA Forms Library”, and Table 53.2, “Other Forms”.

** 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.