



## FAR CLASS DEVIATION 2025-08

**MEMORANDUM TO:** Heads of the Contracting Activities (HCAs)

**FROM:** Jennifer D. Johnson *Jennifer Johnson*  
Jennifer Johnson (Aug 22, 2025 11:24:55 EDT)  
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**SUBJECT:** Federal Acquisition Regulation (FAR) Class Deviation (CD) No. 2025-08 in Support of Executive Order (EO) 14275, "Restoring Common Sense to Federal Procurement;" Deviation to FAR Parts 5, 26 and Applicable Portions of 52.

### 1. EFFECTIVE DATE:

November 3, 2025

### 2. EXPIRATION DATE:

This CD remains in effect until the changes described herein are incorporated in the FAR, superseded, or otherwise rescinded.

### 3. PURPOSE:

This FAR CD implements requirements to comply with [EO 14275, Restoring Common Sense to Federal Procurement](#), for the purposes of implementing the Federal Acquisition Regulatory Council's changes to FAR parts 5, 26, and applicable portions of part 52. It also incorporates and adopts the FAR Council's model deviation text to the affected FAR parts.

### 4. APPLICABILITY:

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

### 5. ROLES AND RESPONSIBILITIES:

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

## 6. BACKGROUND:

On April 15, 2025, EO 14275, *Restoring Common Sense to Federal Procurement*, was signed. Section 2 of the EO establishes the policy that the FAR “should only contain provisions required by statute or essential to sound procurement, and any FAR provisions that do not advance these objectives should be removed.”

The FAR is being updated to:

- Remove language that is not required by statute
- Remove duplicative or outdated language
- Clarify or provide more plain language
- Revise language for the new FAR framework
- Retain language necessary for governmentwide acquisition standards.

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

On August 8, 2025, the FAR Council issued the RFO model deviation text for FAR parts 5, 26, and applicable portions of part 52.

## 7. POLICY/GUIDANCE:

Effective immediately, HHS contracting staff must comply with the following:

- A. Follow the RFO FAR parts 5 and 26 model deviation text, including the corresponding part 52 model deviation text, instead of FAR parts 5 and 26 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](#).

**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 5 and 26 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 5, Publicizing Contract Actions, is revised from a complex, topic-based structure to a streamlined, chronological process that mirrors the three main phases of an acquisition. The revision makes extensive use of tables to present complex information regarding content requirements and timing, a significant departure from the dense paragraphs of the original text. The new tables 5-1, 5-2, 5-3, and 5-4 clearly explain posting requirements and timeframes. This approach directly serves the goals of reducing complexity and enhancing clarity by making the content easier to understand and use.

FAR part 26, Other Socioeconomic Programs, has been reorganized within each subpart to follow the acquisition process (i.e., steps to take before solicitation vs. after award). This new structure makes it easier and faster to find needed information at each stage of a procurement.

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

**RFO FAR part 5:**

- 5 U.S.C. § 552, Public Information; Agency Rules, Opinions, Orders, Records, and Proceedings
- 15 U.S.C. § 637(e) and 41 U.S.C. § 1708, Procurement Notice
- 15 U.S.C. § 637(k), Notices of Subcontracting Opportunities
- 15 U.S.C. § 637b, Availability of Information
- 15 U.S.C. § 644, Awards or Contracts
- 44 U.S.C. §§ 3701-3703, Awarding of Contracts
- Pub. L. 97-219, Small Business Innovation Development Act of 1982

RFO FAR part 26:

- 6 U.S.C. § 796, Registry of Disaster Response Contractors
- 25 U.S.C. § 1544, Additional Compensation to Contractors of Federal Agency
- 41 U.S.C. §§ 8101 et seq, Drug Free Workplace
- 42 U.S.C. § 1792, Promoting Federal Food Donation
- 42 U.S.C. § 5150, Use of Local Firms and Individuals
- Pub. L. 100-707 (42 U.S.C. §§ 5121 et seq), Robert T. Stafford Disaster Relief and Emergency Assistance Act
- Pub. L. 114-328 Section 816, Amendments to Special Emergency Procurement Authority
- Pub. L. 114-328 Section 1641, Special Emergency Procurement Authority to Facilitate the Defense Against or Recovery from a Cyber Attack.
- E.O. 12928, Promoting Procurement with Historically Black Colleges and Universities, and Minority Institutions

FAR Part	Change	Description
5	Retained	<ul style="list-style-type: none"> <li>• Section 5.000 “<b>Scope of Part</b>” has been updated to specify that notices are posted in the Governmentwide Point of Entry (GPE). Section 5.001 “<b>Definitions</b>” retains and streamlines the definition of “Contract Action” and adds definitions of “Notice” and “Presolicitation Notice”.</li> <li>• Section 5.002 “<b>Policy</b>” retains the general purpose to <b>increase competition</b> and <b>broaden industry participation</b>. Language in this section has been revised from “assist small business concerns” to <b>inform small business concerns</b> of contract and subcontract opportunities.</li> <li>• <b>New subparts 5.1 “Presolicitation”, 5.2 “Solicitation”, and 5.3 “Award”</b> create logical organization in <b>alignment with the acquisition lifecycle</b>, creating clear points of reference. <ul style="list-style-type: none"> <li>○ Content from the former <b>Subparts 5.1 “Dissemination of Information”, 5.2 “Synopses of Proposed Contract Actions”, and 5.3 “Synopses of Contract Awards”</b> is streamlined within the new subpart structure.</li> </ul> </li> <li>• New tables are added to section 5.101 “Presolicitation Notice” that provide greater readability. Specifically, Table 5-1 identifies <b>presolicitation language regarding trade agreements</b> and Table 5-2 clarifies minimum <b>posting timeframes for presolicitation notices</b>.</li> <li>• Guidance for “<b>Paid Advertisements</b>” is moved from subpart 5.5 to the new section 5.102 and is significantly streamlined.</li> <li>• Guidance on “Special Situations”, previously at 5.205, has been moved to the new section 5.103 “<b>Special Notices</b>” and is significantly streamlined, reflecting notices for Federal Funded Research and Development Centers (FFRDC), and consolidation, bundling, and substantial bundling.</li> <li>• New tables are added to section 5.201 “Solicitation Notice” that provide greater readability. Specifically, Table 5-3 identifies <b>minimum</b></li> </ul>

FAR Part	Change	Description
		<b>timeframes for receipt of quotations or offers</b> , and Table 5-4 identifies minimum <b>posting timeframes for award notices</b> .
5	Removed	<ul style="list-style-type: none"> <li>• With rare exception, the term “<b>synopsis</b>” has been removed.</li> <li>• <b>Subpart 5.4 “Release of Information”</b> has been removed as largely duplicative of the general posting guidance throughout the part.</li> <li>• <b>Subpart 5.6 “Publicizing Multi-Agency Use Contracts”</b>, which required agencies to enter information into a specific governmentwide database of contracts, has been removed as duplicative and outdated.</li> <li>• <b>Subpart 5.7 “Publicizing Requirements Under the American Recovery and Reinvestment Act of 2009 (ARRA)”</b> has been removed because ARRA is no longer active.</li> </ul>
26	Retained	<ul style="list-style-type: none"> <li>• All <b>subparts remain</b>. The subparts are restructured from numerous scattered sections to sections that now reflect the acquisition lifecycle.</li> <li>• The core tenets of the programs governed by part 26 are preserved. <ul style="list-style-type: none"> <li>○ The <b>5% incentive payment</b> for utilizing Indian organizations and Indian-owned economic enterprises as subcontractors remains allowable and is renumbered as 26.102-1.</li> <li>○ The statutory preference for <b>awarding contracts to local firms</b> in the aftermath of a major disaster or emergency remains and is renumbered as 26.202-1.</li> <li>○ The policy to <b>encourage the participation of Historically Black Colleges and Universities and Minority Institutions</b> in federal procurement continues and is renumbered as 26.301-1.</li> <li>○ The policy encouraging contractors to <b>donate excess wholesome food</b> remains the same and is renumbered as 26.402-1.</li> <li>○ The fundamental requirements to <b>maintain a drug-free workplace</b> continues and is renumbered as 26.504-1.</li> </ul> </li> <li>• All existing provisions and clauses are retained. The following clauses are updated: <ul style="list-style-type: none"> <li>○ <b>Clause 52.226-1</b>, Utilization of Indian Organizations and Indian-Owned Economic Enterprises.</li> <li>○ <b>Clause 52.226-6</b>, Promoting Excess Food Donation to Nonprofit Organizations. This clause no longer flows down to subcontractors.</li> </ul> </li> </ul>
26	Removed	<ul style="list-style-type: none"> <li>• Former sections 26.601, “<b>Purpose</b>”, 26.602, “<b>Applicability</b>”, and 26.603, “<b>Definitions</b>” are removed. The clause at 52.226-8 retains the definitions.</li> <li>• Former section 26.303, <b>Data collection and reporting requirements</b> is removed. Detailed data on contract awards is already captured and</li> </ul>

FAR Part	Change	Description
		<p>tracked through other methods (e.g., the Federal Procurement Data System (FPDS)).</p> <ul style="list-style-type: none"> <li>• The procedures for challenges to representations under the <b>Indian Incentive Program</b> were removed from FAR part 26.103 and may be incorporated into non-regulatory guidance.</li> <li>• Information pertaining to the <b>Disaster Response Registry</b> was removed from FAR part 26.205 and may be covered in non-regulatory guidance.</li> <li>• Procedures related to the <b>Food Donation Program</b> were removed from FAR 26.403 and may be retained in non-regulatory guidance.</li> </ul>

*\* 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 HHS 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](mailto:Acquisition_Policy@hhs.gov).