July 10, 2025

TO: MSPB Contracting Officers

FROM: Michaela Klarmann, Senior Procurement Official
Acting Director, Financial and Administrative Management

Subject: FAR Class Deviation for FAR Part 18 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

1. Purpose. This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) part 18 for purposes of implementing the FAR Council's model deviation to FAR part 18.

2. Background. On April 15, 2025, Executive Order (EO) 14275 on Restoring Common Sense to Federal Procurement was signed by the President. 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:

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

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

3. Summary of Changes. FAR part 18, Emergency Acquisitions, has been updated to streamline the acquisition flexibilities available for emergency acquisitions, and to retain increased thresholds, commercial procedures, and award preferences during an emergency.

Statutory requirements retained in the RFO FAR part 18 deviation include, but are not limited to, the following:

- 41 U.S.C. § 1903, Special Emergency Procurement Authority
- 42 U.S.C. Ch. 68, Stafford Disaster Relief and Emergency Assistance Act

- 10 U.S.C. § 101(a)(13), Contingency Operation
- 22 U.S.C. § 2292b, International Disaster Assistance
- 46 U.S.C. § 55305, Cargo Preference Act of 1954
- 41 U.S.C. § 153, Contract in Support of Humanitarian or Peacekeeping Operation

Retained
- Increased thresholds for:
  - Contingency operations
  - Defense or recovery from certain events, to include cyber, nuclear, biological, chemical, or radiological attacks
  - International disaster assistance
  - Emergency or major disaster response
  - Humanitarian or peacekeeping operations
- Statutory requirements related to:
  - Emergency declarations and major disaster declarations
  - Humanitarian or peacekeeping operations
  - Award preference for local organizations
- Waiver of provisions for ocean transportation by U.S. flag vessels.

Removed
- General acquisition flexibilities covered in other sections of the FAR that support emergency procurement are now listed at https://acquisition.gov/emergency-procurement.
- References to resources such as the National Response Framework and Office of Federal Procurement Policy (OFPP) "Emergency Acquisitions Guide" are expected to be moved to non-regulatory guidance, as needed.

This is not an exhaustive list of the changes.

4. Instructions. The MSPB acquisition workforce shall:

- Follow the RFO part 18 model deviation text instead of FAR part 18 as codified at 48 CFR chapter 1. The Council's RFO part 18 model deviation text is available at Acquisition.gov/far-overhaul, and is incorporated into this class deviation.
- Review templates and related standard operating procedures to align with this deviation and remove unnecessary processes or steps.

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

6. Authority. This class deviation is issued under the authority of EO 14275, OMB memorandum M- 25-26, 48 CFR 1.4, and RFO FAR 1.304.

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

8. Point of Contact. Questions regarding this class deviation may be directed to: Michaela Klarmann, michaela.klarmann@mspb.gov.