



U.S. MERIT SYSTEMS PROTECTION BOARD

Financial and Administrative Management

1615 M Street, NW
Washington, DC 20419-0002

September 5, 2025

TO: MSPB Contracting Officers

A handwritten signature in black ink, appearing to read "MKL", written over the printed name of Michaela Klarmann.

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

Subject: FAR Class Deviation for FAR Part 26 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 26 for purposes of implementing the FAR Council's model deviation to FAR part 26.

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 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 RFO FAR part 26 model deviation include, but are not limited to, the following:

- 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

Retained

- All subparts remain. The subparts are restructured from numerous scattered sections to sections that now reflect the acquisition lifecycle.
- The core tenets of the programs governed by part 26 are preserved.
 - The 5% incentive payment for utilizing Indian organizations and Indian-owned economic enterprises as subcontractors remains allowable and is renumbered as 26.102-1.
 - The statutory preference for awarding contracts to local firms in the aftermath of a major disaster or emergency remains and is renumbered as 26.202-1.
 - The policy to encourage the participation of Historically Black Colleges and Universities and Minority Institutions in federal procurement continues and is renumbered as 26.301-1.
 - The policy encouraging contractors to donate excess wholesome food remains the same and is renumbered as 26.402-1.
 - The fundamental requirements to maintain a drug-free workplace continues and is renumbered as 26.504-1.
- All existing provisions and clauses are retained. The following clauses are updated:
 - Clause 52.226-1, Utilization of Indian Organizations and Indian-Owned Economic Enterprises.
 - Clause 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations. This clause no longer flows down to subcontractors.

Removed

- Former sections 26.601, “Purpose”, 26.602, “Applicability”, and 26.603, “Definitions” are removed. The clause at 52.226-8 retains the definitions.
- Former section 26.303, Data collection and reporting requirements is removed. Detailed data on contract awards is already captured and tracked through other methods (e.g., the Federal Procurement Data System (FPDS)).
- The procedures for challenges to representations under the Indian Incentive Program were removed from FAR part 26.103 and may be incorporated into non-regulatory guidance.
- Information pertaining to the Disaster Response Registry was removed from FAR part 26.205 and may be covered in non-regulatory guidance.
- Procedures related to the Food Donation Program were removed from FAR 26.403 and may be retained in non-regulatory guidance.

This is not an exhaustive list of the changes.

4. Instructions. The MSPB acquisition workforce shall:

- Follow RFO part 26 model deviation text instead of FAR part 26 as codified at 48 CFR chapter 1. The Council's RFO part 26 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul) and is incorporated into this class deviation.
- When using any provisions or clauses that have been revised, utilize the RFO model deviation language at RFO FAR part 52.
- Do not include any of the removed provisions or clauses in future solicitations and contracts.
- For open solicitations or awarded contracts, the contracting officer has discretion regarding the need to enforce or amend the provisions or clauses. Note that without some of the removed provisions or clauses, the contracting officer may be required to separately address certain aspects of the contract.
- 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 November 3, 2025 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.