



U.S. MERIT SYSTEMS PROTECTION BOARD

Financial and Administrative Management

1615 M Street, NW
Washington, DC 20419-0002

September 24, 2025

TO: MSPB Contracting Officers

A handwritten signature in black ink, appearing to read "Michaela Klarmann".

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

Subject: FAR Class Deviation for FAR Part 28 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 28 for purposes of implementing the FAR Council's model deviation to FAR part 28.

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

Statutory requirements retained in the RFO FAR part 28 model deviation include, but may not be limited to, the following:

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

- 40 U.S.C. §§ 3131 et seq, Bonds
- 42 U.S.C. §§ 1651 et seq, Defense Base Act
- Pub. L. 103-355 Sec 2091, Government-wide Application of Payment Protections for Subcontractors and Suppliers
- Pub. L. 114-92 Sec 874, Surety Bond Requirements and Amount of Guarantee

4. Instructions. The MSPB acquisition workforce shall:

- Follow RFO part 28 model deviation text instead of FAR part 28 as codified at 48 CFR Chapter 1. The Council's RFO part 28 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul) and is incorporated into this class deviation.

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.