



U.S. MERIT SYSTEMS PROTECTION BOARD

Financial and Administrative Management

1615 M Street, NW
Washington, DC 20419-0002

September 19, 2025

TO: MSPB Contracting Officers

A handwritten signature in black ink, appearing to read 'MKL', written over the 'FROM:' line.

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

Subject: FAR Class Deviation for FAR Part 46 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 46 for purposes of implementing the FAR Council's model deviation to FAR part 46.

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 46, Quality Assurance, has been updated for clarity and usability.

Statutory requirements retained in the RFO FAR part 46 model deviation include, but are not limited to, the following:

- 41 U.S.C. § 1711, Value Engineering
- 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services
- Pub. L. 103-355, Federal Acquisition Streamlining Act of 1994 (FASA)
- Pub. L. 112-81 Sec 818, Detection and Avoidance of Counterfeit Electronic Parts

Retained

- Subparts 46.1, 46.2, 46.3, 46.4, 46.5, 46.6, 46.7, 46.8 and the sections therein, remain mostly intact and are streamlined, with some shifting and reorganizing of sections and subsections throughout.
- All “Definitions” at 46.101 are retained.
- All existing clauses are retained (or remain reserved if previously reserved) with no changes to the text.

Removed

- Section 46.105, “Contractor Responsibilities” is deleted and marked reserved, as the content was redundant to contract clauses.
- Section 46.704, “Authority for use of warranties” is deleted and marked reserved. This section stated that warranty use must be approved by agency procedures. This language does not need to be included in the FAR.

This is not an exhaustive list of the changes.

4. Instructions. The MSPB acquisition workforce shall:

- Follow RFO part 46 instead of FAR part 46 as codified at 48 CFR chapter 1. The Council’s RFO part 46 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.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 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.