



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 "MK", is written over the name Michaela Klarmann.

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

Subject: FAR Class Deviation for FAR Part 5 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 5 for purposes of implementing the FAR Council's model deviation to FAR part 5.

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. 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.

Statutory requirements retained in the RFO FAR part 5 model deviation include, but are not limited to, the following:

- 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

Retained

- Section 5.000 “Scope of Part” has been updated to specify that notices are posted in the Governmentwide Point of Entry (GPE). Section 5.001 “Definitions” retains and streamlines the definition of “Contract Action” and adds definitions of “Notice” and “Presolicitation Notice”.
- Section 5.002 “Policy” retains the general purpose to increase competition and broaden industry participation. Language in this section has been revised from “assist small business concerns” to inform small business concerns of contract and subcontract opportunities.
- New subparts 5.1 “Presolicitation”, 5.2 “Solicitation”, and 5.3 “Award” create logical organization in alignment with the acquisition lifecycle, creating clear points of reference.
 - Content from the former Subparts 5.1 “Dissemination of Information”, 5.2 “Synopsis of Proposed Contract Actions”, and 5.3 “Synopsis of Contract Awards” is streamlined within the new subpart structure.
- New tables are added to section 5.101 “Presolicitation Notice” that provide greater readability. Specifically, Table 5-1 identifies presolicitation language regarding trade agreements and Table 5-2 clarifies minimum posting timeframes for presolicitation notices.
- Guidance for “Paid Advertisements” is moved from subpart 5.5 to the new section 5.102 and is significantly streamlined.
- Guidance on “Special Situations”, previously at 5.205, has been moved to the new section 5.103 “Special Notices” and is significantly streamlined, reflecting notices for Federal Funded Research and Development Centers (FFRDC), and consolidation, bundling, and substantial bundling.
- New tables are added to section 5.201 “Solicitation Notice” that provide greater readability. Specifically, Table 5-3 identifies minimum timeframes for receipt of quotations or offers, and Table 5-4 identifies minimum posting timeframes for award notices.

Removed

- With rare exception, the term “synopsis” has been removed. -
- Subpart 5.4 “Release of Information” has been removed as largely duplicative of the general posting guidance throughout the part.

- Subpart 5.6 “Publicizing Multi-Agency Use Contracts”, which required agencies to enter information into a specific governmentwide database of contracts, has been removed as duplicative and outdated.
- Subpart 5.7 “Publicizing Requirements Under the American Recovery and Reinvestment Act of 2009 (ARRA)” has been removed because ARRA is no longer active. Illustrative examples of when to use certain exceptions to full and open competition have been removed and may be moved to non-regulatory content.

This is not an exhaustive list of the changes.

4. Instructions. The MSPB acquisition workforce shall:

- Follow RFO part 5 model deviation text instead of FAR part 5 as codified at 48 CFR chapter 1. The Council’s RFO part 5 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.