



Office of the Chief
Acquisition Officer

Date: September 29, 2025

From: Darnese M. Wilkerson, Chief Acquisition Officer *DMW*

To: Office of the Chief Acquisition Officer (OCAO)

Subject: CLASS DEVIATION (CD) in Support of Executive Order (EO) 14275, "Restoring Common Sense to Federal Procurement" - Deviation to FAR Part 33, Protests, Disputes, and Appeals

1. Purpose

This Class Deviation (CD) implements the FAR Council's model deviation text for FAR Part 33, Protests, Disputes, and Appeals. This action aligns with Executive Order (EO) 14275, "Restoring Common Sense to Federal Procurement," and the Revolutionary FAR Overhaul (RFO) initiative.

The revised FAR Part 33 streamlines policies and procedures related to contract cost principles. Burdensome, duplicative, or outdated language not required by statute has been removed. Key changes include:

- Removal of Non-Statutory Content: Much of the procedural and detailed guidance that is not required by law is moved out of the FAR and into new "Buying Guides."
- Commercial procedures are now consolidated in Part 12.
- Simplified procedures for commercial acquisitions move from Part 13 to Part 12.
- Fewer Clauses and Provisions
- Commercial service definition now includes construction.
- Evaluations are streamlined to more efficient and minimally burdensome.
- Documentation for Commercial purchases are more streamlined.

2. Background

EO 14275, signed on April 15, 2025, established a policy that the FAR should contain only provisions required by statute or those essential for sound procurement. To implement this EO, the Office of Federal Procurement Policy (OFPP) is leading the Revolutionary FAR Overhaul (RFO) initiative, supported by the Federal Acquisition Regulatory Council. The initiative aims to eliminate unnecessary regulations and policies across all levels of the federal government.

Further guidance was provided by OMB Memorandum M-25-26, "Overhauling the Federal Acquisition Regulation," issued on May 2, 2025.

The RFO FAR Part 33 model deviation text provides a simplified and more efficient framework for ensuring effective competition, emphasizing a mission-first approach, prudent use of taxpayer dollars, and efficiency in achieving acquisition outcomes.

3. Summary of Changes

RFO FAR Part 33, has been updated to reflect administration priorities to reduce protests and resolve protests at the lowest level possible. The update modernizes a critical component of the federal procurement system and is aimed at increasing efficiency, clarity, and fairness in federal acquisitions. Statutory requirements retained in the RFO FAR part 33 model deviation include, but are not limited to, the following:

- Administrative Dispute Resolution Act (ADRA) (5 U.S.C. §§ 571 et seq.)
- Availability of Funds Following Resolution (31 U.S.C. § 1558)
- Procurement Protest System (31 U.S.C. §§ 3551 et seq.)
- Contract Disputes (41 U.S.C. §§ chapter 7101 et seq.)
- Agency Procurement Protests (E.O. 12979)

The following chart details information that has been changed by way of revision (Retained) or have been removed due to being outdated, redundant, or otherwise unnecessary (Deleted).

Change	Description
Added	<ul style="list-style-type: none">• New purpose statement at 33.100, "Purpose of the Bid Protest System". The new purpose statement sets forth the objectives of the bid protest process (e.g., promote integrity in the process, deter abuse of the bid protest process), and emphasizes that it is not intended to serve as a way for offerors to get additional insight or be used by incumbents to delay contract transition.• Processes within the types of protests are broken down into pre-award and post-award actions for ease of the reader.• New requirements applicable to "Protests to the Agency".<ul style="list-style-type: none">○ 33.104-4(a)(4)(ii) - Contracting officers are required to report protests to the head of contracting activity (HCAs) as soon as practicable after filing.○ 33.104-4(a)(5)(ii) - Protesters electing independent review at a level above the CO must be provided a redacted copy of the source selection decision, and be provided an opportunity to submit a supplemental statement to the independent review official.

	<ul style="list-style-type: none"> ○ These new requirements are expected to increase confidence in the agency protest process, capture more data at the agency level on protests filed with contracting officers, allow for agency management to respond to procurement issues raised in protests, and resolve more protests at the agency level since protesters will have more information available to them.
Retained	<ul style="list-style-type: none"> ● Most of the “Definitions” now at section 33.102 are retained with only minor, non-substantive wording changes. Only the definition of “Protest venue” was removed, as it is unnecessary provided other changes within the part. ● “Protests to the Agency”, now at section 33.104 is retained, with key changes: <ul style="list-style-type: none"> ○ The section is completely reorganized into four distinct subsections for improved clarity and usability. ○ The distinct subsections logically separate the rules for pre-award and post-award protests, which were previously intermingled in paragraphs (e) and (f) of section 33.103. ○ The section retains the requirement for parties to attempt resolution through "open and frank discussions" before filing a formal protest. ● “Protests to GAO”, now at 33.105, is retained and significantly streamlined. Updates remove this duplication and points contracting officers to the GAO procedures at 4 CFR Part 21, “Bid Protest Regulations”, instead of repeating them in the FAR. ● Numerous procedural sections have been consolidated into a single, overarching section titled “Post-award” at 33.205. Separate subsections are now reorganized under 33.205, creating a more intuitive, step-by-step guide to the post-award claims process, as follows: <ul style="list-style-type: none"> ○ Initiation of a claim (former 33.206) ○ Contractor certification (former 33.207) ○ Interest on claims (former 33.208) ○ The contracting officer's decision (former 33.211) ○ Alternative Dispute Resolution (former 33.214) ● All clauses and provisions for this part are retained, with plain language and streamlining updates. <ul style="list-style-type: none"> ○ 52.233-1 Disputes, revised to now describe what a defective certification means. ○ 52.233-2 Service of Protest, revised to require protests to be shared with the contracting office within one day of filing with the GAO.

	<ul style="list-style-type: none"> ○ 52.233-3 Protest After Award, revised to describe steps for protests post award, such as stop work orders. ○ 52.233-4 Applicable Law for Breach of Contract Claim, remains the same that U.S. law will be applied to address breach.
Removed	<ul style="list-style-type: none"> • Deleted content that is outdated, redundant, or otherwise unnecessary. • Nonregulatory information moved to practitioner albums, FAR companion Guides and/or Category Buying Guides. <ul style="list-style-type: none"> ○ Section 33.212, “Contracting Officer's Duties Upon Appeal”, is removed. The section created a general obligation for the contracting officer to provide data, documentation, information, and support to the agency Boards of Contract Appeals (BCA) upon appeal. This guidance specific to the adjudicative body was moved to the FAR Companion Guide.

FAR Streamlining

As part of the RFO, the FAR is be streamlined to include only statutory requirements. Non-statutory content will be moved to new buying guides, collectively known as the Strategic Acquisition Guidance (SAG). The Council will first issue model deviation guidance by FAR part, followed by formal rulemaking through the notice and comment process. Agencies have 30 days to issue class deviations based on the model text once released.

A. Streamlining Agency Acquisition Supplements: Agencies must streamline their FAR supplements by removing regulations not based on statute or executive orders and by aligning with the FAR Council’s deviation guidance. Supporting policies must also be updated to reflect these changes. This is an excellent opportunity for NARA to formally publish a streamlined NARA FAR Supplement, ensuring consistency with the new FAR.

B. FAR Buying Guides and Supplemental Companion Guides (CG): As the FAR and agency supplements are streamlined, helpful non-regulatory content will be moved to these new FAR Buying Guides. These guides will offer practical instructions and best practices for implementing effective contracting methods, including those related to competition. The RFO Part 26 model deviation text is a plain language version that will be adhered to by all NARA contracting personnel.

4. Instructions

The NARA acquisition workforce shall follow the RFO Part 33 deviated text instead of FAR Part 33 as codified at 48 CFR Chapter 1, Subchapter B, Part 33. The FAR Council’s RFO text is available at [FAR Overhaul - FAR Part 33 - Acquisition.gov](#) and is incorporated by reference into this deviation.

5. Applicability

The requirements in this CD apply to all solicitations and contract actions issued or awarded on or after **October 1, 2025**.

6. Authority

This class deviation is issued under the authority of Executive Order 14275 and OMB Memorandum M-25-26, 48 CFR Subpart 1.4.

7. Effective Date

This CD is effective as of the date signed and shall remain in effect until the provisions of the RFO are formally implemented in the FAR through a final rulemaking.

Darnese M. Wilkerson,
Chief Acquisition Officer

cc: NGC