



Office of the Chief  
Acquisition Officer

**Date:** July 25, 2025

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

**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 39, Acquisition of Information and Communication Technology

## 1. Purpose

This Class Deviation (CD) implements the FAR Council's model deviation text for FAR Part 39, "Acquisition of Information Communication Technology." 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 39 describes streamlined acquisition policies and procedures specifically for acquiring Information Technology (IT). Burdensome, duplicative, or outdated language not required by statute has been removed. Key changes include:

- Streamlining paperwork and processes for IT acquisitions.
- Deleting Sections 39.000 through 39.0005.
- Emphasizing the use of commercial IT solutions to the maximum extent practicable.
- Simplifying language and requirements related to IT acquisition planning and execution.
- Reducing redundant or non-statutory mandates for both Government and contractor personnel in IT procurements.

## 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-25-25, "Overhauling the Federal Acquisition Regulation," issued on May 2, 2025.

The RFO FAR Part 39 model deviation text provides a simplified framework for IT acquisition, emphasizing a mission-first approach, prudent use of taxpayer dollars, and efficiency in acquiring critical information technology. It prioritizes commercial solutions and agile methodologies where appropriate.

### 3. Summary of Changes

FAR part 39, concerning Acquisition of Information and Communication Technology, has been streamlined to be future forward and emphasize strategies that promote faster acquisition and secure deployment of technology that is new or emerging. Notably, FAR part 39 is renamed:

- From:
  - Acquisition of Information Technology
- To:
  - Acquisition of Information and Communication Technology

Statutory requirements retained in the RFO FAR part 39 model deviation include, but are not limited to, the following:

- 41 U.S.C. § 2308, Modular Contracting for Information Technology
- 40 U.S.C. § 1461, Procurement Procedures
- 29 U.S.C. § 794d, Electronic and Information Technology

Change	Description
<b>Retained</b>	<ul style="list-style-type: none"> <li>● The applicability of part 39 to information technology, Internet of Things devices, and operational technology. Importantly, part 39 clarifies its application to <b>new or emerging technology</b>.</li> <li>● Agencies should continue to use <b>modular contracting</b> for incremental and successive contracts when acquiring IT.</li> <li>● The prohibition on describing minimum <b>experience or educational requirements</b> is now discretionary rather than mandatory.</li> <li>● <b>Accessibility standards</b>, including <b>Section 508 compliance</b>, are still required (with limited exceptions and exemptions) to ensure federal employees and members of the public with disabilities have <b>comparable access</b> and use of information and data.</li> <li>● Information regarding the <b>management of risk</b> has been streamlined. <b>Both the contracting and program office offices</b> are responsible for assessing, monitoring and controlling risk throughout the acquisition process.</li> </ul>
<b>Removed</b>	<ul style="list-style-type: none"> <li>● Reference to OMB Circular No's <b>A-127, Financial Management Systems</b>, and <b>A-130, Management of Federal Information Resources</b>. These Circulars may still be applicable for certain procurements and use of them is more appropriate for a guide.</li> <li>● <b>Redundant prohibitions</b> currently covered at FAR subparts 4.20, 4.21, 4.22, 4.23, and FAR part 40 not unique to IT procurements.</li> <li>● <b>Clause 52.239-1</b>, Privacy or Security Safeguards and its prescription.</li> </ul>

This table is not an exhaustive list.

#### **4. FAR Streamlining**

As part of the RFO, the FAR will 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 for the acquisition of information technology. The RFO Part 39 model deviation text is a plain language version that will be adhered to by all NARA contracting personnel.

#### **5. Instructions**

The NARA acquisition workforce shall follow the RFO Part 39 deviated text instead of FAR Part 39 as codified at 48 CFR Chapter 1, Subchapter F, Part 39. The FAR Council's RFO text is available at [FAR Overhaul - Part 39 | Acquisition.GOV](#) and is incorporated by reference into this deviation.

#### **6. Applicability**

The requirements in this CD apply to all new solicitations and contract actions for Information Technology issued or awarded on or after **July 25, 2025**.

#### **7. Authority**

**This class deviation is issued under the authority of E.O. 14275, OMB M-25-26, 48 CFR Subpart 1.4.**

#### **8. 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.

cc: NGC