



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Class Deviation

PCD 25-25

September 26, 2025

CLASS DEVIATION FROM FEDERAL ACQUISITION REGULATION (FAR) PART 33 AND NASA FAR SUPPLEMENT (NFS) PART 1833 TO IMPLEMENT THE REVOLUTIONARY FAR OVERHAUL (NASA Case 2025-N029)

PURPOSE: To provide a Class Deviation from the FAR to implement the FAR Council's model deviation text to FAR part 33, Protests, Disputes, and Appeals, and deviation to NFS 1833.

BACKGROUND: On April 15, 2025, the Executive Order (E.O.) 14275, "[Restoring Common Sense to Federal Procurement](#)" was signed. Section 2 of the E.O. 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." To implement E.O. 14275, the Office of Federal Procurement Policy (OFPP) is leading the **Revolutionary FAR Overhaul (RFO)** initiative. This effort is supported by the Federal Acquisition Regulatory Council (the Council) member agencies— General Services Administration, Department of Defense, NASA, along with other agencies. In line with the E.O., the initiative aims to eliminate unnecessary regulations and policies across all levels of the federal government.

The Office of Management and Budget (OMB) memorandum, M-25-26 issued on May 2, 2025, titled, Overhauling the Federal Acquisition Regulation, provided additional guidance to federal agencies regarding the FAR overhaul.

FAR Streamlining. As part of the RFO, the FAR will be streamlined to include only statutory requirements, while non-statutory content will move to new buying guides, collectively forming 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 will have 30 days to issue class deviations based on the model text once it is released.

Streamlining Agency Acquisition Supplements. Agencies must streamline their FAR supplements by removing regulations not based on statute or executive orders and aligning with the FAR Council's deviation guidance. Supporting policies must also be updated to

reflect these changes. This approach ensures the NASA FAR Supplement (NFS) remains consistent with the streamlined FAR.

FAR Buying Guides and NFS Companion Guide (CG) (coming soon). As the FAR and the NFS are streamlined, helpful non-regulatory content will be moved to new FAR Buying Guides and NFS CG. These guides are intended to offer practical instructions and best practices for implementing effective contracting methods.

RFO part 33, Protests, Disputes, and Appeals, is one of several model deviations released by the FAR Council. RFO part 33 reflects administration priorities to reduce protests and resolve protests at the lowest level. The update represents a significant and deliberate modernization of a critical component of the federal procurement system and is aimed at increasing efficiency, clarity, and fairness in federal acquisitions. Burdensome, duplicative, or outdated language and language not required by statute have been removed from FAR part 33. This plain language version of FAR part 33 must be adhered to.

To align with the RFO FAR part 33, the NFS 1833, Protests, Disputes, and Appeals, is revised to remove non-statutory and outdated language. This deviation implements the revised RFO part 33 and NFS part 1833.

GUIDANCE:

(1) Contracting officers must follow the RFO part 33 deviated text instead of FAR part 33 as codified at 48 CFR Chapter 33. The FAR Council's RFO text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-33>.

(2) COs must also follow the NFS Part 1833 deviated text enclosed within this deviation.

(3) The Senior Procurement Executive remains the authority for authorizing continued performance during an agency-level protest. In accordance with 1852.233-70, Protest to NASA, an independent review is available as an alternative of an agency protest to the CO. However, it is not considered an appeal.

ACTION REQUIRED BY CONTRACTING OFFICERS: Effectively immediately, ensure that new contract actions issued on or after the effective date complies with the policy in the PCD.

EFFECTIVE DATE: This PCD is effective as dated and must remain in effect until implemented in the FAR and NFS or otherwise rescinded.

PROVISION AND CLAUSE CHANGES: This deviation updates NFS 1852.233-70, Protest to NASA.

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Enclosure

Changes in the NFS Deviation text below are identified as follows:
Deletions shown as ~~strike-throughs~~; and additions shown as **[bold in brackets]**

PART 1833

PROTESTS, DISPUTES, AND APPEALS

(Revised January 4, 2016)

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1833.1—Protests

~~1833.103— Protests to the agency.~~

~~(d)(4) The provision at 1852.233-70 provides for an alternative to a protest to the United States Government Accountability Office (GAO). This alternative gives bidders or offerors the ability to protest directly to the contracting officer (CO) or to request an independent review by the Assistant Administrator for Procurement (or designee). The Agency review shall be deemed to be at the CO level when the request is silent as to the level of review desired. The Agency review shall be deemed to be at the level of the Assistant Administrator for Procurement (or designee) when the request specifies a level above the CO, even if the request does not specifically request an independent review by the Assistant Administrator for Procurement.~~

~~Such reviews are separate and distinct from the Ombudsman Program described at 1815.7001.~~

~~(e) NASA shall summarily dismiss and take no further action upon any protest to the Agency if the substance of the protest is pending in judicial proceedings or the protester has filed a protest on the same acquisition with the GAO prior to receipt of an Agency protest decision.~~

~~(4) When a bidder or offeror submits an Agency protest to the CO or alternatively requests an independent review by the Assistant Administrator for Procurement, the decision of the CO or the Assistant Administrator for Procurement shall be final and is not subject to any appeal or reconsideration within NASA.~~

~~(f) Protests received at NASA offices or locations other than that of the cognizant contracting officer shall be immediately referred to the contracting officer for disposition (see 1833.106(a)).~~

~~(1) The Senior Procurement Executive is the approval authority for contract award. Requests shall be processed through the cognizant Procurement Strategic Operations Division Procurement Analyst.~~

(3) The Senior Procurement Executive is the approval authority for authorizing continued contract performance. Requests shall be processed through the cognizant Procurement Strategic Operations Division Procurement Analyst.

1833.104 Protests to GAO.

The Senior Procurement Executive has the sole authority to decide whether to defend a protest to GAO or to direct remedial action. NASA personnel shall take no action to respond to or resolve any protest filed with the GAO other than in accordance with this part and other guidance provided by NASA Headquarters (HQ).

(a)(2) The cognizant HQ Office of Procurement, Procurement Strategic Operations Division Procurement Analyst shall notify the contracting officer of protest receipt, and the contracting officer shall immediately give notice of the protest to all interested parties. Oral contracting officer notices shall be subsequently confirmed in writing, and the contracting officer shall also send a copy of the written confirmation to the cognizant HQ Procurement Strategic Operations Division Procurement Analyst, the HQ Office of the General Counsel (OGC), and the installation Chief Counsel.

(3)(i) The contracting officer shall send four copies of the protest report, consisting of the protest file, the contracting officer's statement of facts, and a draft memorandum of law to OGC within 20 days after GAO notification of protest receipt. Also include a copy of the file index in electronic format. The contracting officer shall retain a minimum of two copies of the protest file.

(ii) When an actual or prospective offeror requests access to a protest file, the contracting officer shall take the following actions, except (a) and (b) are not required if already accomplished: receipt of the request.

of the request.

(a) Send a copy of the protest file index to OGC within 10 days of

(b) Send a copy of the protest file to OGC within 15 days of receipt

(c) With OGC's concurrence, send the protest file and index to the requesting party to ensure delivery within 20 days after receipt of the request.

(iii) OGC shall submit the protest file to GAO.

(4)(i) OGC shall provide copies of the report to the protestor(s), any intervenors, and the installation Chief Counsel.

(b)(1) As part of the process to obtain approval for contract award from the head of the contracting activity (HCA), coordination with the Senior Procurement Executive and HQ OGC is required.

(c)(1) The contracting officer shall consult the cognizant Procurement Strategic Operations Division Procurement Analyst before terminating a protested contract.

(2) As part of the process to obtain approval for continued contract performance from the HCA, coordination with the Senior Procurement Executive and HQ OGC is required.

(f) The Agency may request GAO reconsideration of its decision within 10 days of issuance. If reconsideration is appropriate, the installation Chief Counsel shall forward a draft request for reconsideration, with any additional supporting documentation, to OGC within 6 days of issuance of the GAO decision.

1833.106 Solicitation provision and contract clause.

(a) The contracting officer is the designated recipient of Agency protests in paragraph (a) of the provision at FAR 52.233-2.

1833.106 [7]-70 Solicitation provision.

The contracting officers must insert the provision at 1852.233-70 in all solicitations.

1833.2--Disputes and Appeals

1833.209 Suspected fraudulent claims.

~~The contracting officer must report suspected fraudulent claims to the Headquarters Offices of Inspector General and OGC, Acquisition Integrity Program.~~

1833.210 Contracting officer's authority.

~~See NASA Policy Directive 2010.2 on use of Alternative Dispute Resolution.~~

1833.211 Contracting officer's decision.

~~(a)(4)(v) The Armed Services Board of Contract Appeals is the NASA Administrator's authorized representative for hearing appeals of contracting officer's final decisions. Accordingly, contracting officers must cite that fact in the final decision letter, provide the Board's mailing address (Armed Services Board of Contract Appeals, Skyline Six, 5109 Leesburg Pike, Falls Church, VA 22041-3208), and include a notification that the Board's operating procedures appear in Part 48, Code of Federal Regulations, Chapter 2, Appendix A.~~

1833.215[5-9] Contract clause.

The contracting officer must use the clause at FAR 52.233-1, Disputes, with its Alternate I-whenver continued performance is vital to national security, the public health and welfare, important Agency programs, or other essential supplies or services whose timely re-procurement from other sources would be impracticable.

1852.233-70 Protests to NASA.

As prescribed in [1833.107-70](#), insert the following:

PROTESTS TO NASA (~~DEC 2015~~) [(DEVIATION SEPT 2025)]

(a) In lieu of a protest to the United States Government Accountability Office (GAO), bidders or offerors may submit a protest under 48 CFR Part 33 (FAR Part 33) directly to the ~~€~~ [c]ontracting O [o]fficer for consideration by the Agency. Alternatively, bidders or offerors may request an independent review by the Assistant Administrator for Procurement, who will serve as or designate the official responsible for conducting an independent review. Such reviews are separate and distinct from the Ombudsman Program ~~described at 1815.7001.~~

(b) Bidders or offerors ~~shall~~ must specify whether they are submitting a protest to the ~~€~~ [c]ontracting O [o]fficer or requesting an independent review by the Assistant Administrator for Procurement.

(c) Protests to the ~~€~~ [c]ontracting O [o]fficer ~~shall~~ must be submitted to the address or email specified in the solicitation (email is an acceptable means for submitting a protest to the ~~€~~ [c]ontracting O [o]fficer). Alternatively, requests for independent review by the Assistant Administrator for Procurement ~~shall~~ must be addressed to the Assistant Administrator for Procurement, NASA Headquarters, Washington, D.C. 20546-0001.

(End of provision)

PART 1833

PROTESTS, DISPUTES, AND APPEALS

TABLE OF CONTENTS

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1833.107-70		Solicitation provision.
SUBPART	<u>1833.2</u>	DISPUTES AND APPEALS
1833.205-9		Contract clause.

PROTESTS, DISPUTES, AND APPEALS

1833.1—Protests

1833.107-70 Solicitation provision.

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