



# Memorandum

February 26, 2026

TO: ACQUISITIONS MANAGEMENT BRANCH PERSONNEL

FROM: Isabel Luengo McConnell, Procurement Executive  
National Labor Relations Board

SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 11 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

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- 1. Effective Date:** Immediately
- 2. Expiration Date:** This Class Deviation remains in effect until the changes described herein are incorporated in the FAR, superseded, or otherwise rescinded.
- 3. Purpose:** This memorandum approves a class deviation to FAR Part 11 for purposes of implementing the FAR Council's model deviation text to FAR Part 11.
- 4. Authority:** This class deviation is issued under the authority of Executive Order (*E.O.*) 14275, *OMB M-25- 25*, and 48 CFR Subpart 1.4.
- 5. Background:** On April 15, 2025, *Executive Order (E.O.) 14275 on 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."

The FAR is being updated to:

- Remove language that is not required by statute
- Remove duplicative or outdated language
- Clarify or provide more plain language
- Revise the language for the new FAR framework
- Retain language necessary for governmentwide acquisition standards.

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative.

6. **Summary of Changes:** FAR part 11, Describing Agency Needs, has been updated to ensure requirements are clear, focused on commercial standards, and do not unnecessarily limit competition. Statutory requirements retained in the RFO FAR part 11 model deviation include, but are not limited to, the following:

- 41 U.S.C. § 3306(a) and 10 U.S.C. § 3206(a): Planning and Solicitation Requirements
- 41 U.S.C. § 3307 and 10 U.S.C. § 3453: Preference for Commercial Products and Commercial Services
- 15 U.S.C. § 637(d)(4)(F): Requirements related to liquidated damages

Change	Description
<b>Retained</b>	<ul style="list-style-type: none"> <li>• <b>Definitions</b> specific to part 11 for <i>Reconditioned</i> and <i>Remanufactured</i>.</li> <li>• Using market research to <b>promote full and open competition</b>.</li> <li>• Encouraging <b>commercial products and commercial services</b> to the maximum extent practicable.</li> <li>• Procedures and corresponding clauses related to <b>liquidated damages</b>.</li> <li>• Requirements related to the Defense Priorities and Allocations System (DPAS), a Department of Commerce regulation in <b>support of approved national defense, emergency preparedness, and energy programs</b>.</li> <li>• <b>Retained clauses and provisions to this part include:</b> <ul style="list-style-type: none"> <li>○ 52.211-5, Material Requirements</li> <li>○ 52.211-11, Liquidated Damages—Supplies, Services, or Research and Development</li> <li>○ 52.211-12, Liquidated Damages—Construction</li> <li>○ 52.211-13, Time Extensions</li> <li>○ 52.211-14, Notice of Priority Rating for National Defense, Emergency Preparedness, and Energy Program Use</li> <li>○ 52.211-15, Defense Priority and Allocation Requirements</li> </ul> </li> </ul>
<b>Removed</b>	<ul style="list-style-type: none"> <li>• Requirements related to identification and availability of specifications.</li> <li>• <b>Prescriptive procedures</b>, such as: <ul style="list-style-type: none"> <li>○ Requirements to include ecolabels in specifications based on information in the Green Procurement Compilation.</li> <li>○ Requirements for brand name or equal purchase descriptions.</li> </ul> </li> <li>• Twelve (12) clauses and provisions are removed: <ul style="list-style-type: none"> <li>○ The following provisions related to the <b>availability of Federal specifications</b>, applicable to GSA and DOD standard indices: <ul style="list-style-type: none"> <li>• 52.211-1, Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29</li> <li>• 52.211-2, Availability of Defense Specifications, Standards, and Data Item Descriptions in the Acquisition Streamlining and Standardization Information System (ASSIST) Website</li> <li>• 52.211-3, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions</li> <li>• 52.211-4, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ The following provisions related to <b>brand name or equal procurements</b>: <ul style="list-style-type: none"> <li>• 52.211-6, Brand Name or Equal</li> <li>• 52.211-7, Alternatives to Government-Unique Standards</li> </ul> </li> <li>○ The following clauses related to <b>delivery schedules for the contract</b>: <ul style="list-style-type: none"> <li>• 52.211-8, Time of Delivery</li> <li>• 52.211-9, Desired and Required Time of Delivery</li> <li>• 52.211-10, Commencement, Prosecution, and Completion of Work (for construction contracts only)</li> </ul> </li> <li>○ The following clauses that address <b>variations from firm fixed price contracts</b>: <ul style="list-style-type: none"> <li>• 52.211-16, Variation in Quantity</li> <li>• 52.211-17, Delivery of Excess Quantities</li> <li>• 52.211-18, Variation in Estimated Quantity</li> </ul> </li> </ul>
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This table is not an exhaustive list.

7. **Instructions:** National Labor Relations Board (NLRB) acquisition workforce shall follow the RFO Part 11 model deviation text instead of FAR Part 11 as codified at 48 CFR Chapter 1. The FAR Council’s RFO Part 11 model deviation text is available at *Acquisition.gov*, under the “[FAR Overhaul](#)” link.

Requirements for establishing delivery or performance schedules are being moved to the FAR Companion Guide. This move allows acquisition teams greater flexibility and discretion to consider techniques which are most appropriate to their acquisition. To enforce the remaining liquidated damages clauses, it is helpful to ensure a delivery schedule is clearly identified.

8. **Applicability:** This deviation applies to all NLRB solicitations and new contracts as of February 24, 2026. This deviation does not apply to contracts signed and executed on or before February 24, 2026.
9. **Point of Contact:** Questions or comments on this class deviation may be directed to Delfina St. Clair, Director, Acquisitions Management Branch, at [Delfina.St.Clair@nlrb.gov](mailto:Delfina.St.Clair@nlrb.gov).