



Pension Benefit Guaranty Corporation  
445 12th St, SW, Washington, DC 20024

Class Deviation PBGC-2026-0007

## MEMORANDUM FOR PBGC ACQUISITION WORKFORCE

**Date:** February 3, 2026  
**From:** Damon Q. McClure, Senior Procurement Executive  
**Subject:** FAR Class Deviation for FAR Part 13 in Support of Executive Order on Restoring Common Sense to Federal Procurement

**1. Purpose:** This class deviation is issued in accordance with FAR 1.304 and pursuant to the Office of Federal Procurement Policy memorandum entitled, “Deviation Guidance to Support the Overhaul of the Federal Acquisition Regulation,” to provide contracting officers with revised FAR Part 13 language and implement the FAR Council’s model deviation to FAR Part 13.

**2. 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- Remove duplicative or outdated language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.

**3. Summary of Changes.** FAR Part 13 is renamed from “Simplified Acquisition Procedures” to “Simplified Procedures for Non-commercial Acquisitions”. The part has been significantly changed:

- **From a focus on:** Simplified procedures for the acquisition of commercial products and commercial services
- **To a focus on:** Simplified procedures for the acquisition of noncommercial products and services valued at or below the simplified acquisition threshold (SAT).

The procedures in this part may be used only if:

- There are no commercial products or commercial services that can satisfy the agency’s needs (see RFO Part 12)
- The supplies or services are not available from a required source (see RFO Part 8)

It's important to note that some statutory text and other text essential to support sound procurement has been or will be moved to other RFO FAR Parts, to include:

- Definition of governmentwide commercial purchase card (RFO Part 2)
- Simplified procedures for procuring commercial items (RFO Part 12)
- Price or cost evaluation factor for multiple-award contracts (RFO Part 16)
- Advance payments for subscriptions and fast payment procedures (RFO Part 32).

Statutory requirements retained in the RFO FAR Part 13 model deviation include, but may not be limited to, the following:

- 41 U.S.C. §§ 1901-1905, Simplified Acquisition Procedures
- 41 U.S.C. § 3305 and 10 U.S.C. § 3205, Simplified Procedures for Small Purchases
- 41 U.S.C. § 3306 and 10 U.S.C. § 3206, Planning and Solicitation Requirements

Change	Description
<b>Retained</b>	<ul style="list-style-type: none"> <li>• 13.001, “<b>Applicability</b>”, retains the prohibition on splitting requirements to stay below the SAT.</li> <li>• 13.101, “<b>Competition</b>”, retains the requirement that agencies <b>must promote competition to the maximum extent practicable</b> when procuring noncommercial products and services valued at or below the SAT.</li> <li>• 13.102, “<b>Small Business</b>”, retains the requirement that acquisitions of supplies or services with an anticipated dollar value above the MPT, but at or below the SAT, <b>must be set aside for small business concerns</b>.</li> <li>• 13.301, “<b>Notifications</b>”, consolidates instructions for notifying unsuccessful quoters. It retains award notice posting requirements of FAR subpart 5.3 and brief explanations.</li> <li>• 13.302, “<b>Cancellations and Terminations</b>”, provides a clear distinction between canceling an unaccepted purchase order and terminating an accepted purchase order and directs the contracting officer to FAR Part 49 or clause 52.213-4 for terminations.</li> </ul>
<b>Moved/Updated</b>	<ul style="list-style-type: none"> <li>• The revised part structure now <b>reflects the acquisition lifecycle</b>:               <ul style="list-style-type: none"> <li>○ Subpart 13.1 – Presolicitation</li> <li>○ Subpart 13.2 - Solicitation, Evaluation, and Award</li> <li>○ Subpart 13.3 – Postaward</li> <li>○ Subpart 13.4 - Micro-purchases</li> </ul> </li> <li>• The lengthy list of inapplicable laws in former 13.005 is moved to a dynamic link, now at 13.001 <a href="https://www.acquisition.gov/inapplicablelaws">https://www.acquisition.gov/inapplicablelaws</a>. This is a significant modernization, ensuring the regulation points to a continuously updated official source rather than a static list that could become outdated.</li> <li>• The definition of “governmentwide commercial purchase card” is moved from the former 13.001, “Definitions”, to section 2.101.</li> <li>• Content regarding price or cost evaluation factors for multiple-award contracts is moved from the former 13.106-1 to RFO Part 16.</li> </ul>

	<ul style="list-style-type: none"> <li>• 13.201, “<b>Procedures</b>”, and 13.202, “<b>Evaluation</b>”, cross reference Part 12. <b>This cross-referencing achieves several goals. It promotes consistency</b> in government procurement practices, reducing the need for contracting officers to master two distinct sets of procedures for simple buys and leverages the best practices in commercial acquisitions.</li> <li>• 13.204, “<b>Contract Clauses</b>”, authorizes the use of the revised clause 52.213-4 for a streamlined set of terms and conditions for inspection/acceptance, excusable delays, terminations, and warranties. <ul style="list-style-type: none"> <li>○ The primary clause for noncommercial simplified acquisitions, 52.213-4, has been retitled and revised. The title is changed from “Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services)” to “Terms and Conditions—Simplified Acquisitions (Noncommercial)” to align with the new focus of Part 13.</li> <li>○ 13.204(c) <b>explicitly prohibits</b> the use of Part 12 clauses (52.212-1, 52.212-2, and 52.212-4) in noncommercial acquisitions</li> </ul> </li> <li>• 13.303, “<b>Contractor Financing and Payments</b>”, now directs readers to Part 32 for payment procedures, <b>including fast payment procedures</b>.</li> <li>• 13.401, “<b>General</b>”, for micropurchases, now points to Part 12 when making purchases below the micropurchase threshold (MPT) ensuring that the simplest and most common type of acquisition is governed by a single, consistent set of rules, regardless of whether the item is commercial or noncommercial.</li> </ul>
<b>Removed</b>	<ul style="list-style-type: none"> <li>• A significant amount of content has been <b>streamlined and removed from Part 13 and shifted to other parts of the FAR</b> as highlighted in the summary of changes above the table.</li> <li>• The following <b>clauses</b> were deleted: <ul style="list-style-type: none"> <li>○ 52.213-1, Fast Payment Procedure. Fast payments procedures will be covered in Part 32.</li> <li>○ 52.213-2, Invoices. General payment procedures will be covered in Part 32.</li> <li>○ 52.213-3, Notice to Supplier. The streamlined procedures and the general principles of offer and acceptance are deemed adequate without this specific clause.</li> </ul> </li> </ul>

This table is not an exhaustive list

**4. Instructions:**

- The PBGC acquisition workforce shall follow the RFO Part 13 model deviation text instead of FAR Part 13 as codified at 48 CFR Chapter 1. The Council’s RFO Part 13 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul) and is incorporated into this class deviation.
- When using any provisions or clauses that have been revised, utilize the RFO model deviation language at [RFO FAR Part 52](#).
- Contracting activities must review templates and related standard operating procedures to align with this class deviation and remove unnecessary processes and steps.
- Acquisition teams should review the FAR Companion for a number of best practices and guidance specific to this part.

**5. Applicability:** This deviation applies to all Pension Benefit Guaranty Corporation solicitations and new contracts.

**6. Authority:** This class deviation is issued under the authority of Executive Order (E.O.) 14275, [OMB M-25-26](#), 48 CFR Subpart 1.4, and FAR RFO 1.304.

**7. Effective Date:** This class deviation remains in effect until the changes described herein are incorporated in the FAR, superseded, or otherwise rescinded.

**8. Point of Contact:** Questions or comments on this class deviation may be sent to Jeff Gangi at [gangi.jeffrey@pbgc.gov](mailto:gangi.jeffrey@pbgc.gov).