



**MEMORANDUM FOR PBGC ACQUISITION WORKFORCE**

**Date:** February 3, 2026  
**From:** Damon Q. McClure, Senior Procurement Executive  
**Subject:** FAR Class Deviation for FAR Part 44 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 44 language and implement the FAR Council’s model deviation to FAR Part 44.

**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- Remove duplicative or outdated language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 44, Subcontracting Policies and Procedures, has been updated to create a more agile, risk-based, and efficient system that empowers contracting officers, reduces administrative burdens on contractors, and encourages broader participation from the commercial sector.

Statutory requirements retained in the RFO FAR Part 44 model deviation include, but may not be limited to, the following:

- 10 U.S.C. § 3322(c) and 41 U.S.C. § 3905(c), Advance Notice of Certain Subcontracts
- 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services

Change	Description
<b>Retained</b>	<ul style="list-style-type: none"> <li>• The revised part <b>structure consolidates</b> relevant guidance into <b>process-oriented</b> subparts:               <ul style="list-style-type: none"> <li>○ Subpart 44.1- <b>Reserved</b></li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Subpart 44.2 - <b>Evaluation and Award</b></li> <li>○ Subpart 44.3 - <b>Postaward</b></li> <li>○ Subpart 44.4 - <b>Subcontracts for Commercial Products and Commercial Services</b></li> <li>● <b>Most of the “Definitions”</b>, now at section 44.001 are <b>retained</b> with only minor, non-substantive wording changes, with the exception of “approved purchasing system”. This definition can still be found at clause 52.244-2.</li> <li>● Subpart 44.2 has been significantly streamlined to <b>consolidate policies related to subcontract consent, advance notification, and the contracting officer's evaluation process.</b> <ul style="list-style-type: none"> <li>○ The previous section 44.202-2(a) contained a detailed, 13- point checklist of considerations that the contracting officer was required to consider "at a minimum" for every consent request. Now, the new 44.201-3(b) provides a shorter, higher-level list of four situations that necessitate "careful and thorough review and consideration" of the request to subcontract.</li> <li>○ Note that the FAR Companion Guide is expected to provide additional guidance on notice and consent best practices for commercial time and materials contracts.</li> </ul> </li> <li>● Subpart 44.3 is <b>reorganized and streamlined</b> into five subsections (from seven separate sections): <ul style="list-style-type: none"> <li>○ 44.301-1 Objective</li> <li>○ 44.301-2 Requirements</li> <li>○ 44.301-3 Responsibilities for granting, withholding or withdrawing approval</li> <li>○ 44.301-4 Notice</li> <li>○ 44.301-5 Withholding or withdrawing approval</li> </ul> </li> <li>● Section 44.402 now breaks down “<b>Requirements</b>” into three distinct categories that improve readability: <ul style="list-style-type: none"> <li>○ <b>Preference</b> (for commercial products and services)</li> <li>○ <b>Flowdown</b> (rules for flowing down clauses)</li> <li>○ <b>Inapplicable laws</b> (laws that do not apply to commercial products and services)</li> </ul> </li> <li>● The following <b>clauses are retained</b> (or remain reserved if previously reserved) <b>with no changes to the text.</b> <ul style="list-style-type: none"> <li>○ 52.244-1 Reserved</li> <li>○ 52.244-2 Subcontracts</li> <li>○ 52.244-3 Reserved</li> <li>○ 52.244-4 Subcontractors and Outside Associates and Consultants (Architect-Engineer Services)</li> <li>○ 52.244-5 Competition in Subcontracting</li> </ul> </li> <li>● The <b>following clause is retained, with streamlining updates</b> to reflect other RFO changes and references. <ul style="list-style-type: none"> <li>○ 52.244-6 Subcontracts for Commercial Products and Commercial Services</li> </ul> </li> </ul>
<b>Removed</b>	<ul style="list-style-type: none"> <li>● The use of <b>Administrative Contracting Officer (ACO)</b> is no longer used as a designation. The part now reflects “Contracting Officer” where ACO was previously shown.</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>The requirements for Contractor Purchasing System Reviews (CPSR) are significantly streamlined</b> to remove overly prescriptive conditions. <ul style="list-style-type: none"> <li>○ “Extent of Review”, with its 11 special attention areas, is removed (former section 44.303).</li> <li>○ “Reports”, with its distribution requirements, is removed (former section 44.307).</li> </ul> </li> </ul>
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This table is not an exhaustive list

**4. Instructions:**

- The PBGC acquisition workforce shall follow the RFO Part 44 model deviation text instead of FAR Part 44 as codified at 48 CFR Chapter 1. The Council’s RFO Part 44 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.

**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).