



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

Class Deviation PBGC-2026-0004

## MEMORANDUM FOR PBGC ACQUISITION WORKFORCE

**Date:** February 3, 2026  
**From:** Damon Q. McClure, Senior Procurement Executive  
**Subject:** FAR Class Deviation for FAR Part 9 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 9 language and implement the FAR Council’s model deviation to FAR Part 9.

**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- Remove duplicative or outdated language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 9 - largely based in statute - establishes the standards and procedures for determining contractor responsibility and eligibility for federal contracts, ensuring that only qualified, reliable contractors receive government awards. It protects the government's interests by requiring contractors to demonstrate they have adequate financial resources, technical capability, integrity, and past performance to successfully fulfill contract requirements.

Statutory requirements and presidential directives retained in the RFO FAR Part 9 model deviation include, but are not limited to, the following:

- 6 U.S.C. § 395, Prohibition on Contracts with Corporate Expatriates
- 10 U.S.C. § 3206 and 41 U.S.C. § 3306, Planning and Solicitation Requirements
- 10 U.S.C. § 3243 and 41 U.S.C. § 3311, Qualification Requirements
- 22 U.S.C. § 2593e, Measures Against Activities that Violate Arms Control Treaties
- 41 U.S.C. § 113, Responsible Source

- 41 U.S.C. § 2303, Ethics Safeguards Related to Contractor Conflicts of Interest
- 41 U.S.C. § 2304, Conflict of Interest Standards for Consultants
- 41 U.S.C. § 2313, Database for Suspension and Debarment Officials
- Pub. L. 103-355 Sec 2455, Uniform Suspension and Debarment
- Pub. L. 111-84 Sec 815, Clarification of Uniform Suspension and Debarment Requirement
- Pub. L. 117-324, Preventing Organization Conflicts of Interest in Federal Acquisition
- E.O. 12549 and E.O. 12689, Debarment and Suspension

Change	Description
<b>Retained</b>	<ul style="list-style-type: none"> <li>• Subparts <b>9.1, 9.2, and 9.3</b> are significantly streamlined with some shifting and reorganizing of sections and subsections throughout.</li> <li>• Subparts 9.4 “<b>Debarment, Suspension, and Ineligibility</b>”, and 9.5 “<b>Organizational and Consultant Conflicts of Interest</b>”, are retained and updated with plain language edits.</li> <li>• All <b>existing provisions and clauses are retained</b> (or remain reserved if previously reserved) with no changes to the text.</li> </ul>
<b>Removed</b>	<ul style="list-style-type: none"> <li>• Section 9.000 “<b>Scope of Part</b>”, has been removed as the language was duplicative.</li> <li>• The definition of “<b>Surveying activity</b>” has been removed from section 9.101, “Definitions”.</li> <li>• Section 9.104-2 “<b>Special Standards</b>”, has been removed and may be moved to non-regulatory content.</li> <li>• Section 9.106 “<b>Preaward Surveys</b>”, has been removed and may be moved to non-regulatory content. This includes the reference to utilizing the Standard Form 1403, Preaward Survey of Prospective Contractor (General).</li> <li>• Section 9.107 “<b>Surveys of Nonprofit Agencies Participating in the AbilityOne Program</b>” has been removed. The AbilityOne Program is covered in Part 8 and nuances of pre-award surveys relevant to the AbilityOne Program are now covered in non-regulatory content.</li> <li>• Subpart 9.6 “<b>Contractor Team Arrangements,</b>”, has been removed and may be moved to non-regulatory content.</li> <li>• Subpart 9.7 “<b>Defense Production Pools and Research and Development Pools</b>”, has been removed and may be moved to non-regulatory content.</li> </ul>

This table is not an exhaustive list

#### 4. Instructions:

- The PBGC acquisition workforce shall follow the RFO Part 9 model deviation text instead of FAR Part 9 as codified at 48 CFR Chapter 1. The Council’s RFO Part 9 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul) and is incorporated into this class deviation.
- 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).