



## U.S. Securities and Exchange Commission

September 30, 2025

### Class Deviation for Federal Acquisition Regulation Part 41 in Support of Executive Order 14275, Restoring Common Sense to Federal Procurement (2025-042)

1. **Purpose:** To issue a class deviation to Federal Acquisition Regulation (FAR) Part 41 for purposes of implementing the FAR Council's model deviation text to FAR Part 41.
2. **Effective Date:** This class deviation is effective November 3, 2025 and remains in effect until rescinded or incorporated into the FAR.
3. **Expiration Date:** Expires when incorporated into the FAR or is otherwise rescinded.
4. **Background:** [Executive Order \(E.O.\) 14275 on Restoring Common Sense to Federal Procurement](#) signed April 15, 2025 mandates a comprehensive review and simplification of the Federal Acquisition Regulation.

The FAR is being updated to:

- Eliminate non-statutory language
- Remove redundant or obsolete language
- Enhance clarity through plain language
- Align with the new FAR framework
- Preserve essential governmentwide acquisition standards

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

5. **Summary of Changes.** FAR part 41, Acquisition of Utility Services, has been retained, streamlined, and improved for clarity. All subparts have been retained. Plain language edits or other updates have been made throughout the part to remove unnecessary information or otherwise clarify the content. All clauses and provisions are retained.

Notably, the definition of "utility service" is updated. Services such as broadband internet and information technology services, which were nascent or nonexistent when the original regulation was drafted, are now explicitly carved out. This prevents agencies from incorrectly applying utility acquisition procedures. This change reduces the risk of improper sole-source justifications and promotes full and open competition in those dynamic markets.

Statutory requirements retained in the RFO FAR part 41 model deviation include, but may not be limited to, the following:

- 40 U.S.C. § 501, Services for Executive Agencies
- 42 U.S.C. § 2204, Electric Utility Contracts
- 42 U.S.C. §§ 7251 et. seq., Department of Energy Organization Act
- 42 U.S.C. § 8287, Authority to Enter into Contracts

**6. Required Action:**

- The SEC acquisition workforce must follow the RFO part 41 model deviation text instead of FAR part 41 as codified at 48 CFR chapter 1. The Council's RFO part 41 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul), and is incorporated into this class deviation.

**7. Applicability:** This class deviation applies to all SEC procurements.

**8. Authority:** This class deviation is issued under the authority of Executive Order 14275, OMB Memo M-25-26, 48 CFR 1.4, and RFO FAR 1.304.

**9. Point of Contact:** If you have any questions, please contact the SEC Office of Acquisitions Policy at [Acquisitions-Policy@sec.gov](mailto:Acquisitions-Policy@sec.gov).

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