



## MEMORANDUM

**Date:** September 5, 2025

**Refer To:** S1QC

**To:** Tom Holland  
Deputy Commissioner  
for Office of Finance and Management

**From:** Adam Goldstein  
Associate Commissioner  
for Acquisition and Grants

**Subject:** Request for Class Deviation from the Federal Acquisition Regulation (FAR) Parts 4, 5, 8, 12, 26, 38, 40, and 51--DECISION

### **ISSUE**

We request approval of a class deviation from FAR parts 4, 5, 8, 12, 26, 38, 40, and 51 for purposes of implementing the Federal Acquisition Regulatory Council's model deviation text to these parts.

### **BACKGROUND**

Executive Order (E.O.) 14275, *Restoring Common Sense to Federal Procurement*, was signed on April 15, 2025. (See [Attachment \(a\)](#).) 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 not required by statute
- Remove duplicative or outdated language
- Clarify or provide more plain language
- Revise 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. (See [Attachment \(b\)](#).) This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

## **SUMMARY OF CHANGES**

### ***FAR Part 4, Administrative and Information Matters—***

FAR part 4 has been reorganized within each subpart to follow the acquisition process (i.e., steps to take before solicitation vs. after award). This new structure makes it easier and faster to find needed information at each stage of a procurement. A significant amount of content is also relocated to FAR part 40 to better align with security requirements.

Statutory requirements and government directives retained in the RFO FAR part 4 model deviation include, but may not be limited to, the following:

- 26 U.S.C. §§ 6041 et seq, Information Concerning Transactions With Other Persons
- 26 U.S.C. § 6109, Identifying Numbers
- 31 U.S.C. § 6303, Using Procurement Contracts
- 31 U.S.C. § 7701, Taxpayer Identifying Number
- 41 U.S.C. § 1122, Functions, Federal Procurement Data System
- 41 U.S.C. § 1712, Record Requirements
- 41 U.S.C. § 2301, Use of Electronic Commerce in Federal Procurement
- 41 U.S.C. § 4706, Examination of Facilities and Records of Contractor
- Pub. L. 109-282, Federal Funding Accountability and Transparency Act of 2006
- Pub. L. 113-101, Digital Accountability and Transparency Act of 2014.

See [Attachment \(c\)](#) for a table summarizing various key FAR part 4 retentions and changes because of the RFO part 4 model text deviation.

### ***FAR Part 5, Publicizing Contract Actions—***

The RFO deviation for this part is revised from a complex, topic-based structure to a streamlined, chronological process that mirrors the three main phases of an acquisition. The revision makes extensive use of tables to present complex information regarding content requirements and timing, a significant departure from the dense paragraphs of the original text. The new tables 5-1, 5-2, 5-3, and 5-4 clearly explain posting requirements and timeframes.

This approach directly serves the goals of reducing complexity and enhancing clarity by making the content easier to understand and use.

**Statutory requirements retained** in the [RFO FAR part 5](#) model deviation include, but are not limited to, the following:

- 5 United States Code (U.S.C.) § 552, Public Information; Agency Rules, Opinions, Orders, Records, and Proceedings
- 15 U.S.C. § 637(e) and 41 U.S.C. § 1708, Procurement Notice
- 15 U.S.C. § 637(k), Notices of Subcontracting Opportunities
- 15 U.S.C. § 637b, Availability of Information
- 15 U.S.C. § 644, Awards or Contracts
- 44 U.S.C. § 3701-3703, Awarding of Contracts

- Public Law (Pub. L.) 97-219, Small Business Innovation Development Act of 1982

See [Attachment \(d\)](#) for a table summarizing various key FAR part 5 retentions and changes because of the RFO part 5 model text deviation.

### ***FAR Part 8, Required Sources of Supplies and Services—***

This part is significantly updated. The model deviation language:

- Enhances usability by restructuring and organizing the part in the logical flow of the acquisition lifecycle.
- Simplifies mandatory source guidance.
- Makes the use of Governmentwide Best-In-Class (BIC) contracts mandatory.
- Retains focus on the importance of the AbilityOne Program.

This revolutionary change also moves the procedures for ordering under the Federal Supply Schedule (FSS) from the FAR into the General Services Administration Acquisition Regulation (GSAR). The new language represents a significant shift from the overly prescriptive framework found in FAR subpart 8.4. FSS ordering procedures have been revised to create a streamlined structure that provides only the essential requirements needed to place orders and establish blanket purchase agreements (BPA) against FSS contracts. This streamlined structure enhances the speed of acquisition, and empowers acquisition professionals to use innovative approaches to acquire products/services/solutions under the FSS program.

Statutory requirements retained in the RFO FAR part 8 model deviation include, but are not limited to, the following:

- 10 U.S.C. § 3905, Products of Federal Prison Industries
- 18 U.S.C. § 4124, Purchase of Prison-Made Products by Federal Departments
- 40 U.S.C. § 501, Services for Executive Agencies
- 41 U.S.C. § 152(3), Competitive Procedures
- 41 U.S.C. § 3302, Requirements for Purchase of Property and Services Pursuant to Multiple Award Contracts
- 41 U.S.C. §§ 8501 et seq, Committee for Purchase from People Who are Blind or Severely Disabled
- 44 U.S.C. §§ 501 et seq, Production and Procurement of Printing and Binding
- Pub. L. 108-136, Title XIV, Services Acquisition Reform Act of 2003

See [Attachment \(e\)](#) for a table summarizing various key FAR part 8 retentions and changes because of the RFO part 8 model text deviation.

### ***FAR Part 12, Acquisition of Commercial Products and Commercial Services—***

This FAR part is significantly updated. The part has been fundamentally re-engineered in its structure, scope, and operational mechanics to make federal buying faster, simpler, and more aligned with commercial practices. These changes reflect an effort to create a user-centric part that champions flexibility, and innovation when acquiring commercial products and services.

Statutory requirements retained in the RFO FAR part 12 model deviation include, but may not be limited to, the following::

- 10 U.S.C. §§ 3451 et seq, Procurement of Commercial Products and Commercial Services
- 10 U.S.C. § 3453 and 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services
- 10 U.S.C. § 3771 and 41 U.S.C. § 2302, Rights in Technical Data
- 10 U.S.C. § 3805 and 41 U.S.C. § 4505, Payments for Commercial Products and Commercial Services
- 41 U.S.C. § 103, Commercial Product
- 41 U.S.C. § 103a, Commercial Service
- 41 U.S.C. § 104, Commercially Available Off-the-Shelf Item
- 41 U.S.C. § 1708, Procurement Notice
- Pub. L. 103-355, Federal Acquisition Streamlining Act of 1994 (FASA)
- Pub. L. 105-261 Sec 803, Defense Commercial Pricing Management Improvement

See [Attachment \(f\)](#) for a table summarizing various key FAR part 12 retentions and changes because of the RFO part 12 model text deviation.

#### ***FAR Part 26, Other Socioeconomic Programs—***

This part has been reorganized with each subpart to follow the acquisition process (i.e., steps to take before solicitation vs. after award). This new structure makes it easier and faster to find needed information at each procurement stage.

Statutory requirements retained in the [RFO FAR part 26](#) model deviation include, but are not limited to, the following:

- 6 U.S.C. § 796, Registry of Disaster Response Contractors
- 25 U.S.C. § 1544, Additional Compensation to Contractors of Federal Agency
- 41 U.S.C. §§ 8101 et seq, Drug Free Workplace
- 42 U.S.C § 1792, Promoting Federal Food Donation
- 42 U.S.C. § 5150, Use of Local Firms and Individuals
- Pub. L. 100-707 (42 U.S.C. §§ 5121 et seq), Robert T. Stafford Disaster Relief and Emergency Assistance Fund
- Pub. L. 114-328 Section 816, Amendments to Special Emergency Procurement Authority
- Pub. L. 114-328 Section 1641, Special Emergency Procurement Authority to Facilitate the Defense Against or Recover from a Cyber Attack
- E.O. 12927, Promoting Procurement with Historically Black Colleges and Universities, and Minority Institutions

See [Attachment \(g\)](#) for a table summarizing various key FAR part 26 retentions and changes because of the RFO part 26 model text deviation.

#### ***FAR Part 38, Federal Supply Schedule Contracting—***

FAR part 38 is removed in its entirety. Guidance and procedures for the Schedule program will be moved from FAR part 38 and subpart 8.4 to GSAR part 538.

### ***FAR Part 40, Information Security and Supply Chain Security—***

Instead of navigating a patchwork of multiple subparts throughout the FAR and over a dozen different provisions and clauses to understand security requirements, readers can now refer to a single, logically organized part of the FAR, part 40, Information Security and Supply Chain Security.

- Simplified: FAR part 40 is reorganized into three key subparts:
  - Subpart 40.1 - Processing Supply Chain Risk Information (previously reserved)
  - Subpart 40.2 - Security Prohibitions and Exclusions
  - Subpart 40.3 - Safeguarding Information (previously reserved)
- Consolidated:
  - Regulatory requirements previously found at FAR subparts 4.4, 4.19 through 4.23, and 25.7 have been moved into part 40.
  - More than a dozen separate provisions (5) and clauses (9) have been merged into 4 (1 provision and 3 clauses).

Statutory requirements retained in the RFO FAR part 40 model deviation include, but may not be limited to, the following:

- 41 U.S.C. §§ 1321 et seq, Federal Acquisition Supply Chain Security Act (FASCSA)
- 41 U.S.C. § 4713, Authorities Related to Mitigating Supply Chain Risks in the Procurement of Covered Articles
- 44 U.S.C. §§ 3501 et seq, Federal Information Policy
- Pub. L. 115-91 Section 1634, Prohibition on Use of Products and Services Developed or Provided by Kaspersky Lab
- Pub. L. 115-232 Section 889, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment
- Pub. L. 115-232 Section 1758, Requirements to Identify and Control the Export of Emerging and Foundational Technologies
- Pub. L. 115-390, Strengthening and Enhancing Cyber-capabilities by Utilizing Risk Exposure Technology Act (SECURE Technology Act)
- Pub. L. 117-328 Div R Section 102, Prohibition on the Use of TikTok
- Pub. L. 118-31 Section 1823, Prohibition on Procurement of Covered Unmanned Aircraft Systems from Covered Foreign Entities.

See [Attachment \(h\)](#) for a table summarizing various key FAR part 40 retentions and changes because of the RFO part 40 model text deviation.

### ***FAR Part 51, Use of Government Sources by Contractors—***

FAR part 51 is removed in its entirety. All statutory text and essential text retained to support sound procurement will be moved to FAR part 8.

## **RECOMMENDATION**

FAR 1.404(a) authorizes the approval of class deviations by the agency head or his or her designee. The Commissioner delegated this authority to grant deviation requests to the Deputy Commissioner for the Office of Finance and Management.

I recommend approval of the class deviations under the authority of FAR 1.404(a), E.O. 14275, and OMB Memorandum M-25-26.

## **DECISION**

Concurrence of the class deviation is:

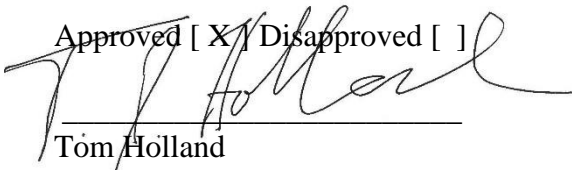
Concurred ☐ Opposed ☐

\_\_\_\_\_  
Bruce Starr  
Associate Deputy Commissioner  
for Office of Finance and Management

\_\_\_\_\_  
Date

Approval of the class deviation is:

Approved ☒ Disapproved ☐

  
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Tom Holland  
Deputy Commissioner  
for Office of Mission Support

9/5/25

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Date

## Attachments

- (a) E.O 14275



E.O. 14275.pdf

- (b) OMB Memorandum M-25-26



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- (c) Table – Summary of RFO Part 4 Deviation Changes



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- (d) Table – Summary of RFO Part 5 Deviation Changes



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- (e) Table – Summary of RFO Part 8 Deviation Changes



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- (f) Table – Summary of RFO Part 12 Deviation Changes



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- (g) Table – Summary of RFO Part 26 Deviation Changes



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(h) Table – Summary of RFO Part 40 Deviation Changes



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