



MEMORANDUM

Date: July 2, 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 6, 11, 18, 39, and 43--DECISION

ISSUE

We request approval of a class deviation from FAR parts 6, 11, 18, 39, and 43 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- Remove duplicative or outdated language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 6, Competition Requirements—

This part has been streamlined to strengthen clarity and focus, helping to ensure procedures that support full and open competition are easier to understand and apply.

Statutory requirements retained in the [RFO FAR part 6](#) model deviation include, but are not limited to, the following:

- 41 U.S.C. § 1705, Advocates for Competition
- 41 U.S.C. § 3301 and 10 U.S.C. § 3201, Full and Open Competition
- 41 U.S.C. § 3303 and 10 U.S.C. § 3203, Exclusion of Particular Source or Restriction of Solicitation to Small Business Concerns
- 41 U.S.C. § 3304, Use of Noncompetitive Procedures
- 10 U.S.C. § 3204, Use of Procedures Other than Competitive Procedures
- 15 U.S.C. Chapter 14A, Aid to Small Business
- 42 U.S.C. § 5150, Major Disaster and Emergency Assistance, Use of Local Firms and Individuals

See [Attachment \(c\)](#) for a table summarizing various key FAR part 6 retentions and changes as a result of the RFP part 6 model text deviation.

FAR Part 11, Describing Agency Needs—

This part has been updated to ensure requirements are clear, focused on commercial standards, and do not unnecessarily limit competition. Statutory requirements retained in the [RFO FAR part 11](#) model deviation include, but are not limited to, the following:

- 41 U.S.C. § 3306(a) and 10 U.S.C. § 3206(a): Planning and Solicitation Requirements
- 41 U.S.C. § 3307 and 10 U.S.C. § 3453: Preference for Commercial Products and Commercial Services
- 15 U.S.C. § 637(d)(4)(F): Requirements related to liquidated damages

See [Attachment \(d\)](#) for a table summarizing various key FAR part 11 retentions and changes as a result of the RFP part 11 model text deviation.

FAR Part 18, Emergency Acquisitions—

This part has been updated to streamline the acquisition flexibilities available for emergency acquisitions, and to retain increased thresholds, commercial procedures, and award preferences during an emergency.

Statutory requirements retained in the [RFO FAR part 18](#) deviation include, but are not limited to, the following:

- 41 U.S.C. § 1903, Special Emergency Procurement Authority
- 42 U.S.C. Ch. 68, Stafford Disaster Relief and Emergency Assistance Act

- 10 U.S.C. § 101(a)(13), Contingency Operation
- 22 U.S.C. § 2292b, International Disaster Assistance
- 46 U.S.C. § 55305, Cargo Preference Act of 1954
- 41 U.S.C. § 153, Contract in Support of Humanitarian or Peacekeeping Operation

Important Note: General acquisition flexibilities that support emergency procurement have been removed and are now located at <https://www.acquisition.gov/emergency-procurement>.

See [Attachment \(e\)](#) for a table summarizing various key FAR part 18 retentions and changes as a result of the RFP part 18 model text deviation.

FAR Part 39, Acquisition of Information Technology—

Under the RFO, this part has been renamed from “Acquisition of Information Technology” to “Acquisition of Information and Communication Technology.” It has been streamlined to be “future forward” and emphasize strategies that promote faster acquisition and secure deployment of technology that is new or emerging.

Statutory requirements retained in the [RFO FAR part 39](#) model deviation include, but are not limited to, the following:

- 41 U.S.C. § 2308, Modular Contracting for Information Technology
- 40 U.S.C. § 1461, Procurement Procedures
- 29 U.S.C. § 794d, Electronic and Information Technology

See [Attachment \(f\)](#) for a table summarizing various key FAR part 39 retentions and changes as a result of the RFP part 39 model text deviation.

FAR Part 43, Contract Modifications—

This part has been streamlined to provide the essential contract modification standards for the workforce to limit risk to the public and government.

Statutory requirements retained in the [RFO FAR part 43](#) model deviation include, but are not limited to, the following:

- 31 U.S.C. § 1501, Documentary Evidence Requirement for Government Obligations
- 31 U.S.C. § 1341, Anti-Deficiency Act
- 41 U.S.C. §§ 7101-7109, Contract Disputes Act of 1978

See [Attachment \(g\)](#) for a table summarizing various key FAR part 43 retentions and changes as a result of the RFO part 43 model text deviation.

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 deviation under the authority of FAR 1.404(a), E.O. 14275, and OMB Memorandum M-25-26.

DECISION

Approval of a class deviation is:

Approved [X] Disapproved []



Tom Holland
Deputy Commissioner
for Office of Finance and Management

July 2, 2025

Date

Attachments

- (a) E.O 14275



E.O. 14275.pdf

- (b) OMB Memorandum M-25-26



M-25-26-Overhauling-the-Federal-Acqui

- (c) Table – Summary of RFO Part 6 Deviation Changes



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- (d) Table – Summary of RFO Part 11 Deviation Changes



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- (e) Table – Summary of RFO Part 18 Deviation Changes



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(f) Table – Summary of RFO Part 39 Deviation Changes



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(g) Table – Summary of RFO Part 43 Deviation Changes



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