



MEMORANDUM

Date: September 22, 2025

Refer To: S1QC

To: Tom Holland
Chief Financial Officer
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 9, 28, 30, 33, 46, 48, and 49--DECISION

ISSUE

We request approval of a class deviation from FAR parts 9, 28, 30, 33, 46, 48, and 49 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- Remove duplicative or outdated language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 9, Contractor Qualifications—

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 United States Code (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
- Public Law (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

See [Attachment \(c\)](#) for a table summarizing various key FAR part 9 retentions and changes because of the RFO part 9 model text deviation.

FAR Part 28, Bonds and Insurance—

All content in FAR part 28 has been retained, with minimal deletions and minor updates made for plain language. There are no changes to provisions or clauses.

Statutory requirements retained in the [RFO FAR Part 28](#) model deviation language include, but are not limited to, the following:

- 15 U.S.C §§ 694a et seq, Surety Bond Guarantees
- 31 U.S.C. §§ 3901 et seq, Prompt Payment
- 31 U.S.C. §§ 9301 et seq, Sureties and Surety Bonds
- 40 U.S.C. §§ 3131 et seq, Bonds
- 42 U.S.C. §§ 1651 et seq, Defense Base Act
- Pub. L. 103-355 Sec 2091, Government-wide Application of Payment Protections for Subcontractors and Suppliers
- Pub. L. 114-92 Sec 874, Surety Bond Requirements and Amount of Guarantee

FAR Part 30, Cost Accounting Standards Administration—

FAR part 30 has undergone a comprehensive revision that includes a complete structural reorganization to align with the acquisition lifecycle, enhanced clarity, and a strategic consolidation of policies couples with the elimination of obsolete requirements.

Statutory requirements retained in the [RFO FAR part 30](#) model deviation include, but are not limited to, the following:

- 10 U.S.C. § 3702, Required Cost or Pricing Data and Certification
- 10 U.S.C. § 3761, Restructuring Costs
- 26 U.S.C. § 6621, Determination of Rate Interest
- 41 U.S.C. §§ 1501 et seq, Cost Accounting Standards
- Pub. L. 100-679 Sec 5, Cost Accounting Standards Board
- Pub. L. 106-65 Sec 802, Streamlined Applicability of Cost Accounting Standards

See [Attachment \(d\)](#) for a table summarizing various key FAR part 30 retentions and changes because of the RFO part 30 model text deviation.

FAR Part 33, Protests, Disputes, and Appeals—

FAR part 33 is updated to reflect administration priorities to reduce protests and resolve protests at the lowest level possible. The update represents a significant and deliberate modernization of a critical component of the federal procurement system and is aimed at increasing efficiency, clarity, and fairness in federal acquisitions.

Statutory requirements retained in the [RFO FAR part 33](#) model deviation include, but are not limited to, the following:

- 5 U.S.C. §§ 571 et seq, Administrative Dispute Resolution Act (ADRA)
- 31 U.S.C. § 1558, Availability of Funds Following Resolution
- 31 U.S.C. §§ 3551 et seq, Procurement Protest System
- 41 U.S.C. §§ 7101 et seq, Contract Disputes
- E.O. 12979, Agency Procurement Protests

See [Attachment \(e\)](#) for a table summarizing various key FAR part 33 additions, retentions, and changes because of the RFO part 33 model text deviation.

FAR Part 46, Quality Assurance—

FAR part 46 is updated for clarity and usability.

Statutory requirements retained in the [RFO FAR part 46](#) model deviation include, but are not limited to, the following:

- 41 U.S.C. § 1711, Value Engineering
- 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services

- Pub. L. 103-355, Federal Acquisition Streamlining Act of 1994 (FASA)
- Pub. L. 112-81 Sec 818, Detection and Avoidance of Counterfeit Electronic Parts

See [Attachment \(f\)](#) for a table summarizing various key FAR part 46 retentions and changes because of the RFO part 46 model text deviation.

FAR Part 48, Value Engineering—

FAR part 48 is updated to be more direct, active, and accessible.

Statutory and executive requirements retained in the [RFO FAR part 48](#) model deviation include, but are not limited to, the following:

- 41 U.S.C. § 1711, Value Engineering
- Office of Management and Budget (OMB) Circular A-131, Value Engineering

See [Attachment \(g\)](#) for a table summarizing various key FAR part 48 retentions and changes because of the RFO part 48 model text deviation.

FAR Part 49, Termination of Contracts—

FAR part 49 is updated for clarity and usability.

Statutory requirements retained in the [RFO FAR part 49](#) model deviation include, but are not limited to, the following::

- 31 U.S.C. § 3729, False Claims
- 41 U.S.C. §§ 7101, et seq (Pub. L. 95-563), The Contract Disputes Act of 1978

See [Attachment \(h\)](#) for a table summarizing various key FAR part 49 retentions and changes because of the RFO part 49 model text deviation.

RECOMMENDATION

RFO FAR 1.304(b) authorizes the approval of class deviations by the agency head. 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 48 Code of Federal Regulations 1.4, FAR 1.304(b), E.O. 14275, and OMB Memorandum M-25-26.

DECISION

Concurrence of the class deviation is:

Concurred [☒] Opposed [☐]

/s/ Bruce Starr

Bruce Starr

Head of Strategic Sourcing

for Office of Finance and Management

9/22/2025

Date

Approval of the class deviation is:

Approved [☒] Disapproved [☐]



Tom Holland

Chief Financial Officer

for Office of Finance and Management

9/23/2025

Date

Attachments

(a) E.O 14275



E.O. 14275.pdf

(b) OMB Memorandum M-25-26



M-25-26-Overhauling the Federal Acquisition Regulation

(c) Table – Summary of RFO Part 9 Deviation Changes



Table of RFO Deviation Model Template

(d) Table – Summary of RFO Part 30 Deviation Changes



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(e) Table – Summary of RFO Part 33 Deviation Changes



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(f) Table – Summary of RFO Part 46 Deviation Changes



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(g) Table – Summary of RFO Part 48 Deviation Changes



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(h) Table – Summary of RFO Part 49 Deviation Changes



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