

MKU-DEV-2025-02

**MEMORANDUM FOR MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION (UDALL FOUNDATION)  
CONTRACTING ACTIVITIES**

**DATE:** June 5, 2025

**SUBJECT:** Class Deviations for FAR Part 10 and Part 52 in support of Executive Order 14275,  
*Restoring Common Sense to Federal Procurement*

**FROM:** David P. Brown, Executive Director

1. **Purpose.** This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) Part 10 for purposes of implementing the Federal Acquisition Regulatory Council's ("the Council's" or "RFO") model deviation text to FAR Part 10 and Part 52.
2. **Background.** On April 15, 2025, President Trump signed the Executive Order (E.O.) 14275, "Restoring Common Sense to Federal Procurement" to reform the Federal Acquisition Regulation (FAR). This E.O. further advances the intent of the E.O. 14192, "Unleashing Prosperity Through Deregulation," signed on January 31, 2025, which established that the policy of the executive branch is to be prudent and financially responsible in the expenditure of funds and to alleviate unnecessary regulatory burdens placed on the American people. The E.O. orders the Administrator of the Office of Federal Public Procurement Policy (OFPP), in coordination with the other members of the Federal Acquisition Regulatory Council (FAR Council), the heads of agencies, and appropriate senior acquisition and procurement officials from agencies to amend the FAR to ensure that it contains only provisions that are required by statute or that are otherwise necessary to support simplicity and usability, strengthen the efficacy of the procurement system, or protect economic or national security interests. This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative.

On May 2, 2025, the Office of Management and Budget (OMB) released its memo M-25-26 "Overhauling the Federal Acquisition Regulation" that directs all agencies to "Generally issue individual or class deviations to implement the FAR Council's deregulated coverage within 30 days after the Council releases its model deviation text. Provide copies of class deviations to the FAR Secretariat at [gsaregsec@gsa.gov](mailto:gsaregsec@gsa.gov) for public posting on Acquisition.gov."

Also on May 2, 2025, the Acting Administrator for Federal Procurement Policy at OMB released a Memorandum, "Deviation Guidance to Support of the Overhaul of the Federal Acquisition Regulation." This Memorandum advises that agencies using the RFO model class deviation text do not need to further coordinate with the Council; class deviations that differ from the RFO model text require Council approval unless the difference is necessary to address agency-specific statutory direction.

On May 22, 2025, the FAR Council issued completed revisions for FAR Part 10 and a FAR Part 52 clause. The RFO FAR Part 10 model deviation text offers acquisition teams more flexibility in their research methods:

- Greater flexibility in techniques: The FAR no longer lists specific market research considerations or techniques that must be used.
  - Individuals have the flexibility to choose the market research method that best fits their needs. For example, one might host a reverse industry day or an expert panel. This allows industry experts to share their perspectives, commercial practices, and experiences with the acquisition team.
  - For more information on reverse industry days, and to read about more good market research techniques, check out the “Smart Accelerators” in the Practitioner Album available at [Acquisition.gov/far-overhaul](https://Acquisition.gov/far-overhaul).
- Competition requirements remain: Acquisition professionals must still comply with the Competition in Contracting Act (CICA) (41 U.S.C. § 3301 et seq), which may necessitate market research.
- Flexibility at all dollar values: Acquisition professionals can apply market research concepts to procurements of any size.
- While FAR clause 52.210-1 Market Research is not required by statute, across Government, it has been retained as essential to the acquisition process.

Statutory requirements retained in the RFO FAR Part 10 model deviation include, but are not limited to, the following:

- 10 U.S.C. § 3453, Preference for Commercial Products and Commercial Services.
- 41 U.S.C. § 3306, Planning and Solicitation Requirements.
- 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services.
- 41 U.S.C. § 1703 note, Effective Communication Between Government and Industry; inclusive of 41 U.S.C. § 3301 et seq and 41 U.S.C. § 2101 et seq.

Other key changes include:

*Retained:*

- Subparts “10.001 Policy” and “10.002 Procedures” are combined and streamlined to remove duplicative and discretionary guidance.
- FAR clause 52.210-1, Market Research, in solicitations and contracts for noncommercial acquisitions over \$6 million.
- Language encouraging exchanges with industry is moved from FAR part 1 to FAR part 10.

*Removed:*

- Requirements to consider various issues in market research, including for consolidation or bundling procurements are removed. Content stemming from 15 U.S.C. 644(e) and 15 U.S.C. 657(q) is mandatory, however the requirement is covered in FAR part 7.
- Requirements for disaster relief purchasing are removed. Content stemming from 6 U.S.C. 796 is mandatory, however the requirement is covered in FAR part 26.

3. **Determination.** To fully comply with the fully comply with E.O. 14275, OMB implementation guidance, and direction related to use of model deviations, and the model deviations for revised FAR Parts 10 and 52, the Udall Foundation shall follow the RFO Part 10 model deviation text instead of FAR Part 10 as codified at 48 CFR Chapter 10 and replace the relevant RFO Part 52 model deviation

clause instead of the FAR Part 52 clause as codified at 48 CFR Chapter 52. The FAR Council's RFO Part 10 and Part 52 model deviation text is available at Acquisition.gov, under the "FAR Overhaul" link. This deviation applies to all solicitations and new contracts as of the date of the Memorandum. This deviation does not apply to contracts signed and executed on or before the date of this Memorandum.

4. **Instructions.** The Udall Foundation acquisition workforce shall follow the RFO Part 10 model deviation text instead of FAR Part 10 as codified at 48 CFR Chapter 10 and review templates and related standard operating procedures to remove unnecessary process steps. The Council's RFO Part 10 model deviation text is available at Acquisition.gov, under the "FAR Overhaul" link, and is incorporated into this class deviation. A copy of this Class Deviation will be provided to the FAR Secretariat at [gsaregsec@gsa.gov](mailto:gsaregsec@gsa.gov).
5. **Applicability.** This class deviation applies to all Udall Foundation procurements.
6. **Authority.** This class deviation is issued under the authority of E.O. 14275, OMB Memo M-25-26, and 48 CFR 1.4, and RFO FAR 1.304.
7. **Effective Date.** This class deviation is effective immediately and remains in effect until rescinded or incorporated into the FAR.

**Points of Contact.** Questions regarding this class deviation may be directed to the Udall Foundation General Counsel, Gwendolyn Franks, at [franks@udall.gov](mailto:franks@udall.gov).