

MKU-DEV-2025-38

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

DATE: November 25, 2025

SUBJECT: Class Deviations for FAR Part 13 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 13 for purposes of implementing the Federal Acquisition Regulatory Council's ("the Council's" or "RFO") model deviation text to FAR Part 13.
2. **Background.** On April 15, 2025, President Trump signed 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 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. E.O. 14275 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 Memorandum 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 [and] Provide copies of class deviations to the FAR Secretariat at 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 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 September 18, 2025, the FAR Council issued completed revisions for FAR Part 13, Simplified Procedures for Noncommercial Acquisitions (renamed from “Simplified Acquisition Procedures”), and FAR Part 52 provisions and clauses.

The part has been significantly changed:

- **From a focus on:** Simplified procedures for the acquisition of commercial products and commercial services
- **To a focus on:** Simplified procedures for the acquisition of noncommercial products and services valued at or below the simplified acquisition threshold (SAT).

The procedures in this part may be used only if:

- There are no commercial products or commercial services that can satisfy the agency’s needs (see RFO part 12).
- The supplies or services are not available from a required source (see RFO part 8).

It’s important to note that some statutory text and other text essential to support sound procurement has been or will be moved to other RFO FAR parts, to include:

- Definition of governmentwide commercial purchase card (RFO part 2).
- Simplified procedures for procuring commercial items (RFO part 12).
- Price or cost evaluation factor for multiple-award contracts (RFO part 16).
- Advance payments for subscriptions and fast payment procedures (RFO part 32).

Statutory requirements retained in the RFO FAR part 13 model deviation include, but may not be limited to, the following:

- 41 U.S.C. §§ 1901-1905, Simplified Acquisition Procedures.
- 41 U.S.C. § 3305 and 10 U.S.C. § 3205, Simplified Procedures for Small Purchases.
- 41 U.S.C. § 3306 and 10 U.S.C. § 3206, Planning and Solicitation Requirements.

Change	Description
Retained	<ul style="list-style-type: none"> • 13.001, “Applicability,” retains the prohibition on splitting requirements to stay below the SAT. • 13.101, “Competition,” retains the requirement that agencies must promote competition to the maximum extent practicable when procuring noncommercial products and services valued at or below the SAT. • 13.102, “Small Business,” retains the requirement that acquisitions of supplies or services with an anticipated dollar value above the MPT, but at or below the SAT, must be set aside for small business concerns. • 13.301, “Notifications,” consolidates instructions for notifying unsuccessful quoters. It retains award notice posting requirements of FAR subpart 5.3 and brief explanations. • 13.302, “Cancellations and Terminations,” provides a clear distinction between canceling an unaccepted purchase order and terminating an accepted purchase order and directs the contracting officer to FAR part 49 or clause 52.213-4 for terminations.

Moved/Updated	<ul style="list-style-type: none"> • The revised part structure now reflects the acquisition lifecycle: <ul style="list-style-type: none"> ○ Subpart 13.1 - Presolicitation ○ Subpart 13.2 - Solicitation, Evaluation, and Award ○ Subpart 13.3 - Postaward ○ Subpart 13.4 - Micro-purchases • The lengthy list of inapplicable laws in former 13.005 is moved to a dynamic link, now at 13.001 (https://www.acquisition.gov/inapplicablelaws). This is a significant modernization, ensuring the regulation points to a continuously updated official source rather than a static list that could become outdated. • The definition of “governmentwide commercial purchase card” is moved from the former 13.001, “Definitions,” to section 2.101. • Content regarding price or cost evaluation factors for multiple-award contracts is moved from the former 13.106-1 to RFO part 16. • 13.201, “Procedures,” and 13.202, “Evaluation,” cross reference part 12. This cross-referencing achieves several goals. It promotes consistency in government procurement practices, reducing the need for contracting officers to master two distinct sets of procedures for simple buys and leverages the best practices in commercial acquisitions. • 13.204, “Contract Clauses,” authorizes the use of the revised clause 52.213-4 for a streamlined set of terms and conditions for inspection/acceptance, excusable delays, terminations, and warranties. <ul style="list-style-type: none"> ○ The primary clause for noncommercial simplified acquisitions, 52.213-4, has been retitled and revised. The title is changed from “Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services)” to “Terms and Conditions—Simplified Acquisitions (Noncommercial)” to align with the new focus of part 13. ○ 13.204(c) explicitly prohibits the use of part 12 clauses (52.212-1, 52.212-2, and 52.212-4) in noncommercial acquisitions • 13.303, “Contractor Financing and Payments,” now directs readers to part 32 for payment procedures, including fast payment procedures. • 13.401, “General,” for micropurchases, now points to part 12 when making purchases below the micropurchase threshold (MPT) ensuring that the simplest and most common type of acquisition is governed by a single, consistent set of rules, regardless of whether the item is commercial or noncommercial.
Removed	<ul style="list-style-type: none"> • A significant amount of content has been streamlined and removed from part 13 and shifted to other parts of the FAR as highlighted in the summary of changes above the table. • The following clauses were deleted: <ul style="list-style-type: none"> ○ 52.213-1, Fast Payment Procedure. Fast payments procedures will be covered in part 32.

	<ul style="list-style-type: none"> ○ 52.213-2, Invoices. General payment procedures will be covered in part 32. ○ 52.213-3, Notice to Supplier. The streamlined procedures and the general principles of offer and acceptance are deemed adequate without this specific clause.
--	---

This table is not an exhaustive list.

3. **Determination.** To fully comply with E.O. 14275, OMB implementation guidance, and direction related to use of model deviations, and the model deviations for revised FAR Part 13, the Udall Foundation shall follow the RFO Part 13 model deviation text instead of FAR Part 13 as codified at 48 CFR Chapter 13. The FAR Council’s RFO Part 13 model deviation text is available at [Acquisition.gov](https://www.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 13 model deviation text instead of FAR Part 13 as codified at 48 CFR Chapter 13 and the RFO Part 52 model deviation text of FAR Part 52 as codified at 48 CFR Chapter 52. The Council’s RFO Parts 13 and 52 model deviation text are available at [Acquisition.gov](https://www.acquisition.gov), under the “FAR Overhaul” link, and are incorporated into this class deviation.

For new solicitations or contracts, when using any provisions or clauses that have been revised, the Udall Foundation acquisition workforce shall use the RFO model deviation language at RFO FAR part 52.

For open solicitations or awarded contracts, the contracting officer has discretion regarding the need to enforce or amend the provisions or clauses. Note that without some of the removed provisions or clauses, the contracting officer may be required to separately address certain aspects in the contract.

The Udall Foundation acquisition workforce shall review templates and related standard operating procedures to align with this deviation and remove unnecessary processes or steps.

A copy of this Class Deviation will be provided to the FAR Secretariat at 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.