

MKU-DEV-2025-39

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

DATE: November 25, 2025

SUBJECT: Class Deviations for FAR Part 14 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 14 for purposes of implementing the Federal Acquisition Regulatory Council's ("the Council's" or "RFO") model deviation text to FAR Part 14.
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 25, 2025, the FAR Council issued completed revisions for FAR Part 14, Sealed Bidding, and FAR Part 52 provisions and clauses. The updated text is simplified to make the regulation more accessible, clear, and efficient for acquisition teams. Themes of the update for this part include:

- Structural Reorganization for Logical Flow
- Streamlining through Consolidation and Plain Language
- Modernization for Current Practices

Statutory requirements retained in the RFO FAR part 14 model deviation include, but may not be limited to, the following:

- 10 U.S.C. § 3201 and 41 U.S.C. § 3301, Full and Open Competition
- 10 U.S.C. § 3206 and 41 U.S.C. § 3306, Planning and Solicitation Requirements
- 10 U.S.C. § 3301 and 41 U.S.C. § 3701, Basis of Award and Rejection
- 10 U.S.C. § 3302 and 41 U.S.C. § 3702, Sealed Bids
- 10 U.S.C. § 3702 and 41 U.S.C. § 3502, Required Cost or Pricing Data and Certification
- 41 U.S.C. § 1708, Procurement Notice
- 41 U.S.C. § 2301, Use of Electronic Commerce in Federal Procurement

Change	Description
Retained	<ul style="list-style-type: none"> • The following provision and clauses are retained (or remain reserved) with no changes: <ul style="list-style-type: none"> ○ 52.214-1 and 52.214-2 remain reserved ○ 52.214-4 (Provision), False Statements in Bids ○ 52.214-6 (Provision), Explanation to Prospective Bidders ○ 52.214-8 and 52.214-9 remain reserved ○ 52.214-10 (Provision), Contract Award—Sealed Bidding ○ 52.214-11 remains reserved ○ 52.214-12 (Provision), Preparation of Bids ○ 52.214-13 remains reserved ○ 52.214-14 (Provision), Place of Performance—Sealed Bidding ○ 52.214-15 (Provision), Period for Acceptance of Bids ○ 52.214-16 (Provision), Minimum Bid Acceptance Period ○ 52.214-17 remains reserved ○ 52.214-18 (Provision), Preparation of Bids—Construction ○ 52.214-19 (Provision), Contract Award—Sealed Bidding—Construction ○ 52.214-20 (Provision), Bid Samples ○ 52.214-21 (Provision), Descriptive Literature ○ 52.214-22 (Provision), Evaluation of Bids for Multiple Awards ○ 52.214-24 (Provision), Multiple Technical Proposals ○ 52.214-27 (Clause), Price Reduction for Defective Certified Cost or Pricing Data—Modifications—Sealed Bidding ○ 52.214-29 (Clause), Order of Precedence—Sealed Bidding ○ 52.214-30 remains reserved ○ 52.214-32 and 52.214-33 remain reserved ○ 52.214-34 (Provision), Submission of Offers in the English Language ○ 52.214-35 (Provision), Submission of Offers in U.S. Currency

Moved/Updated	<ul style="list-style-type: none"> • The revised part structure now reflects the acquisition lifecycle: <ul style="list-style-type: none"> ○ Subpart 14.1 - General ○ Subpart 14.2 - Presolicitation ○ Subpart 14.3 - Evaluation and Award ○ Subpart 14.4 - Postaward • Subpart 14.1, “General,” streamlines and consolidates the five sections that were previously within the former subpart 14.1, “Use of Sealed Bidding.” • Subpart 14.2, “Presolicitation,” consolidates nearly all pre-award activities related to the solicitation process into a single chronological subpart. It is constructed from content previously located in subpart 14.2 (“Solicitation of Bids”), subpart 14.3 (“Submission of Bids”), and subpart 14.5 (“Two-Step Sealed Bidding”). <ul style="list-style-type: none"> ○ Sections within the subpart are streamlined, consolidated, and reorganized to conform to the new subpart structure. • Subpart 14.3, “Evaluation and Award,” consolidates activities that occur from the moment bids are received until the contract is awarded. It is primarily constructed from content that was previously located in parts of subpart 14.3 (“Submission of Bids”) and subpart 14.4 (“Opening of Bids and Award of Contract”). <ul style="list-style-type: none"> ○ Sections within the subpart are streamlined, consolidated, and reorganized to conform to the new subpart structure. • Subpart 14.4, “Postaward,” is designed to cleanly separate pre-award and post-award issues which are governed by different procedures. <ul style="list-style-type: none"> ○ 14.401, “Mistakes after award,” relocates content previously found at 14.407-4. Placing this topic in a distinct “Postaward” subpart categorizes it as a matter of contract administration, fundamentally different from mistakes discovered before an award is made. The text has been revised for clarity and procedural requirements remain intact. ○ 14.402, “Pricing modifications,” is a new section that provides a direct cross-reference to FAR part 15 for policies and procedures related to cost and price negotiation for modifications. This is a logical and helpful addition providing clear guidance for a common post-award activity. • The following provisions and clauses are updated. Updates are primarily for clarity and cross-referencing corrections. <ul style="list-style-type: none"> ○ 52.214-3 (Provision), Amendments to Invitations for Bids ○ 52.214-5 (Provision), Submission of Bids ○ 52.214-7 (Provision), Late submissions, modifications, and withdrawals of bids ○ 52.214-23 (Provision), Late submissions, modifications, revisions, and withdrawals of technical proposals under two-step sealed bidding ○ 52.214-25 (Provision), Step Two of Two-Step Sealed Bidding ○ 52.214-26 (Clause), Audit and Records—Sealed Bidding
---------------	--

	<ul style="list-style-type: none"> ○ 52.214-28 (Clause), Subcontractor Certified Cost or Pricing Data—Modifications—Sealed Bidding • The FAR Companion is expected to include best practice information on the following moved content that is not statutorily required: <ul style="list-style-type: none"> ○ Subsection 14.201-8, “Price-related factors” ○ Section 14.208, “Amendment of invitation for bids” ○ Section 14.202-1, “Bidding time” ○ Section 14.207, “Pre-bid conference” ○ Section 14.209, “Cancellation of invitations before opening” ○ Subsection 14.407-2(b) and (c), “Apparent clerical mistakes” regarding corrections ○ Subsection 14.404-1(d), “Cancellation of invitations after opening” regarding extensions ○ Subsection 14.408-1(b), “General” regarding a limited number of bids.
Removed	<ul style="list-style-type: none"> • Section 14.105, “Solicitations for informational or planning purposes” is removed to align with streamlining efforts. • Subsection 14.202-3, “Bid envelopes” is removed to align with modernization efforts. • Subsection 14.202-7, “Facsimile Bids” is removed to align with modernization efforts. • Section 14.211, “Release of Acquisition Information” is removed because the content is adequately covered in other parts of the FAR. • Subsection 14.408-7, “Documentation of Award” is removed because the content is adequately covered elsewhere in the part or other parts of the FAR. • Subsection 14.408-8, “Protests against Award” is removed because the content is adequately covered elsewhere in the FAR. • The following provision is deleted to align with the modernization efforts: <ul style="list-style-type: none"> ○ 52.214-31, Facsimile Bids.

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 14, the Udall Foundation shall follow the RFO Part 14 model deviation text instead of FAR Part 14 as codified at 48 CFR Chapter 14. The FAR Council’s RFO Part 14 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 14 model deviation text instead of FAR Part 14 as codified at 48 CFR Chapter 14 and the RFO Part 52 model deviation text of FAR Part 52 as codified at 48 CFR Chapter 52. The Council’s RFO Parts 14 and 52 model deviation text are available at 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.