

MKU-DEV-2025-47

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

**DATE:** December 2, 2025

**SUBJECT:** Class Deviations for FAR Part 25 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 25 for purposes of implementing the Federal Acquisition Regulatory Council's ("the Council's" or "RFO") model deviation text to FAR Part 25.
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](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 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 30, 2025, the FAR Council issued completed revisions for FAR Part 25, Foreign Acquisition, and FAR Part 52 provisions and clauses. The updated text has been updated and reorganized to improve clarity, remove obsolete material, and logically group related content for enhanced usability by acquisition professionals.

Key highlights include:

- Adopting the centralized waiver process for nonavailability determinations including submission to the Made In America Office (MIAO), posting the waiver to the public-facing website, [MadeinAmerica.gov](https://madeinamerica.gov), and using a digital waiver portal managed by the MIAO.
- Moving evaluation examples for foreign offers from the FAR. They are expected to be moved to the FAR Companion.

Statutory requirements and presidential directives retained in the RFO FAR part 25 model deviation include, but may not be limited to, the following:

- 19 U.S.C. §§ 2501 et seq, Trade Agreements Act of 1979
- 22 U.S.C. § 3305, The American Institute in Taiwan
- 41 U.S.C. §§ 8301 et seq, Buy American
- E.O. 10582, Prescribing Uniform Procedures for Certain Determinations Under the Buy-American Act
- E.O. 13881, Maximizing Use of American-Made Goods, Products, and Materials
- E.O. 14005, Ensuring the Future Is Made in All of America by All of America's Workers
- Pub. L. 103-465, World Trade Organization Government Procurement Agreement (WTO GPA), as approved in the Uruguay Round Agreements Act
- Free Trade Agreements (FTA) and Other International Agreements
  - Pub. L. 98-67, Caribbean Basin Economic Recovery Act
  - Pub. L. 99-47, United States-Israel Free Trade Area Implementation Act of 1985
  - Pub. L. 108-77, United States-Chile Free Trade Agreement Implementation Act
  - Pub. L. 108-78, United States-Singapore Free Trade Agreement Implementation Act
  - Pub. L. 108-286, United States-Australia Free Trade Agreement Implementation Act
  - Pub. L. 108-302, Morocco Free Trade Agreement Implementation Act
  - Pub. L. 109-53, Dominican Republic-Central America-United States Free Trade Agreement Implementation Act
  - Pub. L. 109-169, United States-Bahrain Free Trade Agreement Implementation Act
  - Pub. L. 109-283, United States-Oman Free Trade Agreement Implementation Act
  - Pub. L. 110-138, United States-Peru Trade Promotion Agreement Implementation Act
  - Pub. L. 112-41, United States-Korea Free Trade Agreement Implementation Act
  - Pub. L. 112-42, United States-Columbia Trade Promotion Agreement Implementation Act
  - Pub. L. 112-43, United States-Panama Trade Promotion Agreement Implementation Act
  - Pub. L. 116-113, United States-Mexico-Canada Agreement (USMCA) Implementation Act

Change	Description
Retained	<ul style="list-style-type: none"> <li>• Section 25.001, “<b>General</b>,” is retained with minor updates to remove reference to the American Recovery and Reinvestment Act (ARRA) of 2009 (Pub. L. 111-5), which is no longer active.</li> <li>• Section 25.003, “<b>Definitions</b>,” is retained with minor edits throughout.</li> <li>• Subpart 25.8, “<b>Other International Agreements and Coordination</b>,” is retained because it is anchored in international treaties and agreements that are part of international law.</li> <li>• Subpart 25.9, “<b>Customs and Duties</b>,” is retained in full because it implements statutory customs requirements and duty requirements.</li> <li>• Subpart 25.10, “<b>Additional Foreign Acquisition Regulations</b>,” is mostly retained as statutorily required. <ul style="list-style-type: none"> <li>○ Section 25.1003, “Tax on Certain Foreign Procurements,” is deleted as this content is implemented in part 29. The <b>FAR Companion</b> is expected to include best practice information on tax on foreign procurements.</li> </ul> </li> <li>• The following <b>provisions and clauses</b> are retained (or remain reserved) with no changes: <ul style="list-style-type: none"> <li>○ 52.225-2 (Provision), Buy American Certificate</li> <li>○ 52.225-5 (Clause), Trade Agreements</li> <li>○ 52.225-6 (Provision), Trade Agreements Certificate</li> <li>○ 52.225-7 (Provision), Waiver of Buy American Statute for Civil Aircraft and Related Articles</li> <li>○ 52.225-8 (Clause), Duty-Free Entry</li> <li>○ 52.225-10 (Provision), Notice of Buy American Requirement—Construction Materials</li> <li>○ 52.225-12 (Provision), Notice of Buy American Requirement—Construction Materials Under Trade Agreements</li> <li>○ 52.225-14 (Clause), Inconsistency between English Version and Translation of Contract</li> <li>○ 52.225-15 &amp; 52.225-16 remain reserved</li> <li>○ 52.225-17 (Provision), Evaluation of Foreign Currency Offers</li> <li>○ 52.225-18 (Provision), Place of Manufacture</li> <li>○ 52.225-19 (Clause), Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission Outside the United States</li> <li>○ 52.225-26 (Clause), Contractors Performing Private Security Functions Outside the United States.</li> </ul> </li> </ul>
Moved/Updated	<ul style="list-style-type: none"> <li>• Section 25.002, “<b>Applicability of Subparts</b>,” has been updated to align with the part 25 organizational structure and is expected to be moved to the <b>FAR Companion</b>.</li> <li>• Subpart 25.1, “<b>Buy American— Supplies</b>,” is retained and updated. <ul style="list-style-type: none"> <li>○ Section 25.103 adopts the <b>centralized waiver process</b> for individual nonavailability determinations. <ul style="list-style-type: none"> <li>▪ <b>Submission to MIAO:</b> The new 25.103(b)(2)(iii) requires contracting officers to submit a proposed individual nonavailability waiver for review and</li> </ul> </li> </ul> </li> </ul>

	<p>posting to the public-facing website, MadeinAmerica.gov, using a digital waiver portal managed by the MIAO.</p> <ul style="list-style-type: none"> <li>▪ <b>Prohibition on Award:</b> The contracting officer may not make an award until: (1) the MIAO has completed its review of the proposed waiver; (2) the MIAO has waived the review requirement; or (3) a specific exception to the posting requirement applies.</li> <li>▪ <b>Procedural Details:</b> Subparagraphs (b)(2)(iii)(A) through (D) require the use of a standardized digital form, specify that certain information will be made public, establish MIAO review times, and outline exceptions for urgent requirements. In cases of urgency, a report must be filed within 30 days of award.</li> </ul> <ul style="list-style-type: none"> <li>• Subpart 25.2, “<b>Buy American—Construction Materials</b>,” is retained and revised to align with the changes in subpart 25.1 and to streamline its content. <ul style="list-style-type: none"> <li>○ Section 25.203, “<b>Preadward Determinations</b>” <ul style="list-style-type: none"> <li>▪ Section 25.203(a) has been streamlined. The instructions for offerors are more appropriately located within the solicitation provisions (e.g., 52.225-10 and 52.225-12).</li> </ul> </li> <li>○ Section 25.204, “<b>Evaluating Offers of Foreign Construction Material</b>,” has been revised for clarity and restructured.</li> </ul> </li> <li>• Subpart 25.4, “<b>Trade Agreements</b>,” is updated to remove the specific requirement for post-award notices previously at 25.408(a)(5), as it is redundant of content in other FAR parts.</li> <li>• Subpart 25.5, “<b>Evaluating Foreign Offers—Supply Contracts</b>” <ul style="list-style-type: none"> <li>○ The examples and tables formerly at section 25.504, “<b>Evaluation Examples</b>” are removed and expected to be included in <b>the FAR Companion</b>.</li> </ul> </li> <li>• Subpart 25.6, “<b>Solicitation Provisions and Contract Clauses</b>,” is a relocation of the former Subpart 25.11. The content and structure are largely identical. Subpart 25.11 is now reserved.</li> <li>• Subpart 25.7, “<b>Contracts Performed Outside the United States</b>,” is a relocation of the former Subpart 25.3. The content and structure are largely identical. Subpart 25.3 is now reserved.</li> <li>• The <b>following provision and clauses</b> have been updated to reflect plain language, update cross-references, or make corresponding updates within the part: <ul style="list-style-type: none"> <li>○ 52.225-1 (Clause), Buy American—Supplies</li> <li>○ 52.225-3 (Clause), Buy American—Free Trade Agreements—Israeli Trade Act</li> <li>○ 52.225-4 (Provision), Buy American—Free Trade Agreements—Israeli Trade Act Certificate</li> <li>○ 52.225-9 (Clause), Buy American—Construction Materials</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>○ 52.225-11 (Clause), Buy American—Construction Materials Under Trade Agreement</li> </ul>
<b>Removed</b>	<ul style="list-style-type: none"> <li>● Subpart 25.6, “<b>American Recovery and Reinvestment Act-Buy American statute-Construction Materials</b>,” is deleted as obsolete because the content was specific to construction projects funded by the ARRA of 2009 which is no longer active.</li> <li>● Subpart 25.7, “<b>Prohibited Sources</b>,” is deleted, along with the following provisions and clauses, because this content has been moved to <b>RFO FAR part 40</b>. <ul style="list-style-type: none"> <li>○ 52.225-13 (Clause), Restrictions on Certain Foreign Purchases</li> <li>○ 52.225-20 (Provision), Prohibition on Conducting Restricted Business Operations in Sudan—Certification.</li> <li>○ 52.225-25 (Provision), Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran—Representation and Certifications.</li> </ul> </li> <li>● The following provisions and clauses were <b>deleted</b> as obsolete because the content was specific to construction projects funded by the ARRA of 2009 which is no longer active: <ul style="list-style-type: none"> <li>○ 52.225-21 (Clause), Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute— Construction Materials.</li> <li>○ 52.225-22 (Provision), Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials</li> <li>○ 52.225-23 (Clause), Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute— Construction Materials Under Trade Agreements.</li> <li>○ 52.225-24 (Provision), Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements.</li> </ul> </li> </ul>

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 25, the Udall Foundation shall follow the RFO Part 25 model deviation text instead of FAR Part 25 as codified at 48 CFR Chapter 25. The FAR Council’s RFO Part 25 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 25 model deviation text instead of FAR Part 25 as codified at 48 CFR Chapter 25 and the RFO Part 52 model deviation text of FAR Part 52 as codified at 48 CFR Chapter 52. The Council’s RFO Parts 25 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](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).