

MKU-DEV-2025-17

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

DATE: September 10, 2025

SUBJECT: Class Deviations for FAR Part 4 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 4 for purposes of implementing the Federal Acquisition Regulatory Council's ("the Council's" or "RFO") model deviation text to FAR Part 4.
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 August 14, 2025, the FAR Council issued completed revisions for FAR Part 4, Administrative and Information Matters, and FAR Part 52 provisions and clauses. The text has been reorganized within each subpart to follow the acquisition process (i.e., steps to take before solicitation vs. after award). This new structure makes it easier and faster to find needed information at each stage of a procurement. A significant amount of content is also relocated to FAR part 40 to better align with security requirements.

Statutory requirements retained in the RFO FAR Part 4 model deviation include, but are not limited to, the following:

- 26 U.S.C. §§ 6041 *et seq.*, Information Concerning Transactions With Other Persons
- 26 U.S.C. § 6109, Identifying Numbers
- 31 U.S.C. § 6303, Using Procurement Contracts
- 31 U.S.C. § 7701, Taxpayer Identifying Number
- 41 U.S.C. § 1122, Functions, Federal Procurement Data System
- 41 U.S.C. § 1712, Record Requirements
- 41 U.S.C. § 2301, Use of Electronic Commerce in Federal Procurement
- 41 U.S.C. § 4706, Examination of Facilities and Records of Contractor
- Pub. L. 109-282, Federal Funding Accountability and Transparency Act of 2006
- Pub. L. 113-101, Digital Accountability and Transparency Act of 2014

Change	Description
Retained	<ul style="list-style-type: none"> • The revised part structure consolidates relevant guidance into process-oriented subparts: <ul style="list-style-type: none"> ○ Subpart 4.1 - Presolicitation ○ Subpart 4.2 - Solicitation, Evaluation, and Award ○ Subpart 4.3 - Post-award • Contents of subparts 4.4 - 4.6 are retained, streamlined, and moved throughout the new subpart structure. • Subpart 4.7 "Contractor Records Retention," is retained and streamlined. • Contents of subparts 4.8 thru 4.23 are either retained, streamlined, and moved throughout the new subpart structure or are moved to new FAR part 40. • Section 4.000 "Scope of Part," is retained with updates to remove reference to security prohibitions and exclusions. This content is moved to FAR part 40. • Section 4.001 "Definitions," is retained and updated. 4.001 now includes definitions of "Executive," "First-tier subcontract," "Generic entity identifier," and "Total compensation." These terms are consolidated from the former subparts 4.6, 4.14, and 4.17 and now support the post-award reporting requirements in the new subpart 4.3. • Section 4.002 "Electronic Commerce in Contracting," is a new section that retains the essential contents of section 4.502(a). • Section 4.101 "Contract Files," significantly updates the requirements for contract files. Best practices for contract files are moved to non-regulatory guidance. • Section 4.201 "Unique Procurement Instrument Identifiers," is moved from subpart 4.16. The policy regarding the structure and use of PIIDs and

	<p>supplementary PIIDs is retained and the language is streamlined for clarity.</p> <ul style="list-style-type: none"> • Section 4.202 “Uniform Use of Line Items,” is moved from subpart 4.10. The substance of the policy is retained. • Section 4.203 “System for Award Management,” represents a significant consolidation of policies from subparts 4.11 (System for Award Management) and 4.12 (Representations and Certifications). It streamlines the list of exceptions to the SAM registration requirement and clarifies the contracting officer's procedures for verifying an offeror's active registration. In another example of streamlining, the model deviation text removes the list of 33 specific representations and certifications from section 4.1202. Instead, the revised provision at 52.204-7 now contains the authoritative list, moving detailed procedural information into the provision itself. Changes to SAM will not be made immediately. • Section 4.204 “Taxpayer Identification Information,” consolidates and simplifies the policy from subpart 4.9. It streamlines the text by directly linking the requirement to collect a contractor's Taxpayer Identification Number (TIN) to one of two mechanisms: the contractor's SAM registration through the revised 52.204-7, or, for entities not required to register, the submission of the new provision at 52.204-90 “Offeror Identification.” • Section 4.205 “Personal Identity Verification,” moves and condenses the pre-award policies on Personal Identity Verification (PIV) from subpart 4.13. The post-award requirement concerning the return of PIV cards has been relocated to the new post-award subpart at 4.302. • Sections 4.206 “Contracting Officer's Signature” and 4.207 “Contractor's Signature,” move and update the policies on contract execution from subpart 4.1. A significant modernization is the explicit acceptance of digital signatures for both Government and contractor personnel, provided they use a certificate from a PIV or Common Access Card (CAC). This formally recognizes and standardizes a common business practice in the digital age. • Section 4.208 “Solicitation Provisions and Contract Clauses,” serves as a consolidated prescription hub for all provisions and clauses related to the solicitation and award phase. It gathers the prescriptions previously scattered across multiple sections (e.g., 4.1105, 4.1303, 4.1403, etc.), providing a single point of reference for readers. • Section 4.301 “Contract Reporting,” consolidates and streamlines the reporting requirements from subpart 4.6. It governs the requirements for reporting in the Federal Procurement Data System (FPDS). • Section 4.303 “Service Contracts Inventory,” moves and updates the reporting requirements from subpart 4.17. However, reporting is also no longer required for commercial services contracts. • Sections 4.304 “System for Award Management” and 4.305 “Contractor Identification,” contain the post-award maintenance requirements for SAM and other contractor identifiers. This content has been moved from
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	<p>section 4.1102(d) and subpart 4.18. Creating these distinct post-award sections provides a clear separation between the pre-award requirement to register in SAM and the ongoing post-award obligation to maintain that information.</p> <ul style="list-style-type: none"> • Section 4.306 “Executive Compensation,” moves the post-award reporting requirement for executive compensation and first-tier subcontracts from subpart 4.14. However, this reporting is also no longer required for commercial product and services contracts. • Section 4.307 “Payment Office,” consolidates the various requirements for providing essential information to the payment office (such as TIN, UEI, and EFT) that were embedded within other areas, such as sections 4.203 and 4.902. • Sections 4.308 “Contract Closeout” and 4.309 “Storage, Handling, and Contract Files,” move and reorganize the content from sections 4.804 and 4.805. • The following provisions and clauses are retained with no changes. <ul style="list-style-type: none"> ○ 52.204-5, Women-Owned Business (Other Than Small Business) ○ 52.204-9, Personal Identity Verification of Contractor Personnel ○ 52.204-19, Incorporation by Reference of Representations and Certifications • The following provisions and clauses are retained with plain language and other edits. <ul style="list-style-type: none"> ○ 52.204-10, Reporting Executive Compensation and First-Tier Subcontract Awards ○ 52.204-14, Service Contract Reporting Requirements ○ 52.204-15, Service Contract Reporting Requirements for Indefinite-Delivery Contracts • Several provisions and clauses are consolidated into new provisions and clauses. This consolidation provides significant changes to reflect acquisitions with and without SAM registration, and to reflect pre- and post-award requirements. <ul style="list-style-type: none"> ○ Updated Provision 52.204-7, System for Award Management–Registration and New Provision 52.204-90, Offeror Identification, consolidate the following provisions: <ul style="list-style-type: none"> ▪ 52.204-3, Taxpayer Identification ▪ 52.204-6, Unique Entity Identifier ▪ 52.204-8, Annual Representations and Certifications ▪ 52.204-16, Commercial and Government Entity Code Reporting ▪ 52.204-17, Ownership or Control of Offeror ▪ 52.204-20, Predecessor of Offeror ○ Updated Clause 52.204-13, System for Award Management–Maintenance and New Clause 52.204-91, Contractor Identification consolidate the following clauses <ul style="list-style-type: none"> ▪ 52.204-12, Unique Entity Identifier Maintenance ▪ 52.204-18, Commercial and Government Entity Code Maintenance
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<p>Removed</p>	<ul style="list-style-type: none"> • The model deviation text deletes subpart 4.2 “Contract Distribution.” This subpart, which prescribed procedures for distributing paper copies of contracts, is now obsolete in an acquisition environment dominated by electronic contract writing, signature, and distribution systems. Essential notification requirements, such as informing the payment office, are now covered in other sections, to include the new 4.307. • Subparts 4.4, 4.19, 4.20, 4.21, 4.22, and 4.23 are all security-related and are relocated to RFO FAR part 40. • The following provisions and clauses are removed and incorporated into RFO FAR part 40. <ul style="list-style-type: none"> ○ 52.204-2 Security Requirements. ○ 52.204-21 Basic Safeguarding of Covered Contractor Information Systems. ○ 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab Covered Entities. ○ 52.204-24, Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment. ○ 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. ○ 52.204-26, Covered Telecommunications Equipment or Services—Representation. ○ 52.204-27, Prohibition on a ByteDance Covered Application. ○ 52.204-28, Federal Acquisition Supply Chain Security Act Orders—Federal Supply Schedules, Governmentwide Acquisition Contracts, and Multi-Agency Contracts. ○ 52.204-29, Federal Acquisition Supply Chain Security Act Orders—Representation and Disclosures. ○ 52.204-30, Federal Acquisition Supply Chain Security Act Orders—Prohibition. • The following provisions and clauses are removed as they are obsolete. <ul style="list-style-type: none"> ○ 52.204-1, Approval of Contract. ○ 52.204-22, Alternative Line Item Proposal.
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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 4, the Udall Foundation shall follow the RFO Part 4 model deviation text instead of FAR Part 4 as codified at 48 CFR Chapter 4. The FAR Council’s RFO Part 4 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 4 model deviation text instead of FAR Part 4 as codified at 48 CFR Chapter 4 and the RFO Part 52 model

deviation text of FAR Part 52 as codified at 48 CFR Chapter 52. The Council's RFO Parts 4 and 52 model deviation text are available at Acquisition.gov, under the "FAR Overhaul" link, and are incorporated into this class deviation.

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 and shall not include any of the removed provisions or clauses in future solicitations and contracts.

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.

For any solicitation or contract using RFO provisions or clauses, contracting officers may include the following language:

System updates may lag policy updates. The System for Award Management (SAM) may continue to require entities to complete representations based on provisions that are not included in this solicitation. Contracting officers will rely on representations from offers based on provisions in the solicitation. Entities are not required to, nor are they able to, update their entity registration to remove these representations in SAM.

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.