

MKU-DEV-2025-15

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

**DATE:** September 2, 2025

**SUBJECT:** Class Deviations for FAR Part 5 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 5 for purposes of implementing the Federal Acquisition Regulatory Council's ("the Council's" or "RFO") model deviation text to FAR Part 5.
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 August 8, 2025, the FAR Council issued completed revisions for FAR Part 5 Publicizing Contract Actions. Part 5 is revised from a complex, topic-based structure to a streamlined, chronological process that mirrors the three main phases of an acquisition. The revision makes extensive use of tables to present complex information regarding content requirements and timing, a significant departure from the dense paragraphs of the original text. The new tables 5-1, 5-2, 5-3, and 5-4 clearly explain posting requirements and timeframes.

This approach directly serves the goals of reducing complexity and enhancing clarity by making the content easier to understand and use.

Statutory requirements retained in the RFO FAR Part 5 model deviation include, but are not limited to, the following:

- 5 U.S.C. § 552, Public Information; Agency Rules, Opinions, Orders, Records, and Proceedings
- 15 U.S.C. § 637(e) and 41 U.S.C. § 1708, Procurement Notice
- 15 U.S.C. § 637(k), Notices of Subcontracting Opportunities
- 15 U.S.C. § 637b, Availability of Information
- 15 U.S.C. § 644, Awards or Contracts
- 44 U.S.C. §§ 3701-3703, Awarding of Contracts
- Pub. L. 97-219, Small Business Innovation Development Act of 1982

| Change   | Description   |
|----------|---|
| Retained | <ul style="list-style-type: none"> <li>• Section 5.000 <b>“Scope of Part”</b> has been updated to specify that notices are posted in the Governmentwide Point of Entry (GPE). Section 5.001 <b>“Definitions”</b> retains and streamlines the definition of “Contract Action” and adds definitions of “Notice” and “Presolicitation Notice”.</li> <li>• Section 5.002 <b>“Policy”</b> retains the general purpose to <b>increase competition and broaden industry participation</b>. Language in this section has been revised from “assist small business concerns” to <b>inform small business concerns</b> of contract and subcontract opportunities.</li> <li>• <b>New subparts 5.1 “Presolicitation”, 5.2 “Solicitation”, and 5.3 “Award”</b> create logical organization in <b>alignment with the acquisition lifecycle</b>, creating clear points of reference. <ul style="list-style-type: none"> <li>○ Content from the former <b>Subparts 5.1 “Dissemination of Information”, 5.2 “Synopses of Proposed Contract Actions”, and 5.3 “Synopses of Contract Awards”</b> is streamlined within the new subpart structure.</li> </ul> </li> <li>• New tables are added to section 5.101 “Presolicitation Notice” that provide greater readability. Specifically, Table 5-1 identifies <b>presolicitation language regarding trade agreements</b> and Table 5-2 clarifies minimum <b>posting timeframes for presolicitation notices</b>.</li> <li>• Guidance for <b>“Paid Advertisements”</b> is moved from subpart 5.5 to the new section 5.102, and is significantly streamlined.</li> <li>• Guidance on “Special Situations”, previously at 5.205, has been moved to the new section 5.103 <b>“Special Notices”</b> and is significantly streamlined, reflecting notices for Federal Funded Research and Development Centers (FFRDC), and consolidation, bundling, and substantial bundling.</li> </ul> |

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|                | <ul style="list-style-type: none"> <li>• New tables are added to section 5.201 “Solicitation Notice” that provide greater readability. Specifically, Table 5-3 identifies minimum <b>timeframes for receipt of quotations or offers</b>, and Table 5-4 identifies minimum <b>posting timeframes for award notices</b>.</li> </ul>  |
| <b>Removed</b> | <ul style="list-style-type: none"> <li>• With rare exception, the term “<b>synopsis</b>” has been removed.</li> <li>• <b>Subpart 5.4 “Release of Information”</b> has been removed as largely duplicative of the general posting guidance throughout the part.</li> <li>• <b>Subpart 5.6 “Publicizing Multi-Agency Use Contracts,”</b> which required agencies to enter information into a specific governmentwide database of contracts, has been removed as duplicative and outdated.</li> <li>• <b>Subpart 5.7 “Publicizing Requirements Under the American Recovery and Reinvestment Act of 2009 (ARRA)”</b> has been removed because ARRA is no longer active.</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 5, the Udall Foundation shall follow the RFO Part 5 model deviation text instead of FAR Part 5 as codified at 48 CFR Chapter 5. The FAR Council’s RFO Part 5 model deviation text is available at [Acquisition.gov](http://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 5 model deviation text instead of FAR Part 5 as codified at 48 CFR Chapter 5. The Council’s RFO Part 5 model deviation text is available at [Acquisition.gov](http://Acquisition.gov), under the “FAR Overhaul” link, and are incorporated into this class deviation.

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).