



PROCUREMENT MEMORANDUM 2026-03

ACTION

MEMORANDUM FOR: Senior Bureau Procurement Officials

FROM: Olivia J. Bradley
Senior Procurement Executive and
Director for Acquisition Management

SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 8 in Support of Executive Order on Restoring Common Sense to Federal Procurement

Background

On May 2, 2025, the Federal Acquisition Regulatory Council (the Council) issued a memorandum entitled, "Deviation Guidance to Support the Overhaul of the Federal Acquisition Regulation," to provide guidance to agencies to support the issuance of FAR deviations to implement Executive Order 14275, "Restoring Common Sense to Federal Procurement," and OMB Memorandum M-25-26, "Overhauling the Federal Acquisition Regulation." This guidance states that agencies should issue agency-specific class deviations within 30 days after the Council has released class deviation text on [acquisition.gov](https://www.acquisition.gov). On August 14, 2025, the Council released deviated language for FAR Part 8.

FAR Part 8, Required Sources of Supplies and Services, is significantly updated. The model deviation language:

- Enhances usability by restructuring and organizing the part in the logical flow of the acquisition lifecycle.
- Simplifies mandatory source guidance.
- Creates "required use" contracts that will be designated by the Office of Federal Procurement Policy
- Retains focus on the importance of the AbilityOne Program.

This revolutionary change also moves the procedures for ordering under the Federal Supply Schedule (FSS) from the FAR into the General Services Administration Acquisition Regulation (GSAR). The new language represents a significant shift from the overly prescriptive framework found in FAR subpart 8.4. FSS ordering procedures have been revised to create a streamlined structure that provides only the essential requirements needed to place orders and establish blanket purchase agreements (BPAs) against FSS contracts. This streamlined structure enhances

the speed of acquisition and empowers acquisition professionals to use innovative approaches to acquire products/services/solutions under the FSS program.

Statutory requirements retained in the FAR Part 8 deviation include, but are not limited to, the following:

- 10 U.S.C. § 3905, Products of Federal Prison Industries
- 18 U.S.C. § 4124, Purchase of Prison-Made Products by Federal Departments
- 40 U.S.C. § 501, Services for Executive Agencies
- 41 U.S.C. § 152(3), Competitive Procedures
- 41 U.S.C. § 3302, Requirements for Purchase of Property and Services Pursuant to Multiple Award Contracts
- 41 U.S.C. §§ 8501 et seq, Committee for Purchase from People Who are Blind or Severely Disabled
- 44 U.S.C. §§ 501 et seq, Production and Procurement of Printing and Binding
- Pub. L. 108-136, Title XIV, Services Acquisition Reform Act of 2003

Purpose

This class deviation is issued in accordance with 48 CFR 1.4 and Revolutionary FAR Overhaul (RFO) FAR 1.304, pursuant to the Council's memo entitled, "Deviation Guidance to Support the Overhaul of the Federal Acquisition Regulation," to provide contracting officers with revised FAR Parts 8 and 52 language.

Required Actions

Upon effective date contracting officers shall comply with the deviated FAR text found in Attachment A.

- A. When issuing new solicitations or contracts, contracting officers shall not include the following provisions and clauses:
 - 52.208-4, Vehicle Lease Payments
 - 52.208-5, Condition of Leased Vehicles
 - 52.208-6, Marking of Leased Vehicles
 - 52.208-7, Tagging of Leased Vehicles
- B. When issuing new solicitations or contracts, contracting officers shall use the following revised clause:
 - 52.208-9 Contractor Use of Mandatory Sources of Supply or Services
- C. When issuing new solicitations or contracts, contracting officers shall add the following new clauses:

- 52.208-10 Government Supply Sources
- 52.208-11 GSA Fleet Vehicles and Related Services

D. For open solicitations or awarded contracts, the Contracting Officer has discretion regarding the need to enforce or amend these provisions and clauses.

Effective Date

This deviation shall be effective December 15, 2025, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

Questions

Please direct any questions regarding this Procurement Memorandum to OAM_Mailbox@doc.gov.

Attachment A – FAR Deviation Text