



PROCUREMENT MEMORANDUM 2026-05

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 13 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 September 18, 2025, the Council released deviated language for FAR Part 13.

FAR Part 13 is renamed from "Simplified Acquisition Procedures" to "Simplified Procedures for Non-commercial Acquisitions". The part has been significantly changed:

- From a focus on: Simplified procedures for the acquisition of commercial products and commercial services
- To a focus on: Simplified procedures for the acquisition of noncommercial products and services valued at or below the simplified acquisition threshold (SAT).

The procedures in this part may be used only if:

- There are no commercial products or commercial services that can satisfy the agency's needs (see FAR Part 12 (Deviation))
- The supplies or services are not available from a required source (see FAR Part 8 (Deviation))

It's important to note that some statutory text and other text essential to support sound procurement has been or will be moved to other FAR parts, to include:

- Definition of governmentwide commercial purchase card (FAR Part 2 (Deviation))
- Simplified procedures for procuring commercial items (FAR Part 12 (Deviation))
- Price or cost evaluation factor for multiple-award contracts (FAR Part 16 (Deviation))
- Advance payments for subscriptions and fast payment procedures (FAR Part 32 (Deviation)).

Statutory requirements retained in the FAR Part 13 model deviation include, but may not be limited to, the following:

- 41 U.S.C. §§ 1901-1905, Simplified Acquisition Procedures
- 41 U.S.C. § 3305 and 10 U.S.C. § 3205, Simplified Procedures for Small Purchases
- 41 U.S.C. § 3306 and 10 U.S.C. § 3206, Planning and Solicitation Requirements

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 13 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 clauses:

- 52.213-1, Fast Payment Procedure.¹
- 52.213-2, Invoices.²
- 52.213-3, Notice to Supplier.³

B. When issuing new solicitations or contracts, contracting officers shall use the following revised clause:

- 52.213-4, Terms and Conditions—Simplified Acquisitions (Noncommercial)

¹ Fast payments procedures will be covered in FAR Part 32.

² General payment procedures will be covered in FAR Part 32.

³ The streamlined procedures and the general principles of offer and acceptance are deemed adequate without this specific clause.

- C. 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