



## PROCUREMENT MEMORANDUM 2026-06

### 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 Parts 1 through 53 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).

### Purpose

This Procurement Memorandum (PM) rescinds PMs 2026-05, 2026-04, 2026-03, 2026-02, 2025-16, 2025-15, 2025-14, 2025-13, 2025-12, 2025-11, 2025-10, 2025-09, 2025-08, and 2025-07 and replaces them with one class deviation for all revised FAR Parts. It also revises previous effective dates of December 15, 2025, to January 15, 2026. 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 language for FAR Parts 1 through 53. Below is the specific background, actions required, and effective date for each FAR Part.

### Deviations

#### FAR Part 1

##### **Background**

In explaining the Federal Acquisition System, the FAR Part 1 deviation text establishes bedrock principles. Most centrally, it sets a “mission first” message at the top of the guiding principles. The FAR Part 1 deviation also increases the emphasis on the best use of taxpayer dollars and calls out the value of time as another guiding principle.

Additionally, it retains a focus on satisfying the customer, maximizing use of commercial products and services, promoting competition, and encouraging innovation. Statutory requirements retained in the FAR Part 1 deviation include, but are not limited to, the following:

- 31 U.S.C. 3702, Authority to Settle Claims
- 41 U.S.C. 13 et seq, Acquisition Councils
- 41 U.S.C. 17 et seq, Agency Responsibilities and Procedures
- 41 U.S.C. 1908, Inflation Adjustment of Acquisition Thresholds
- 41 U.S.C. 3102, Delegation and Assignment of Powers, Functions, and Responsibilities

Non-statutory requirements removed from FAR Part 1 include, but are not limited to, the following:

- The list of OMB approved control numbers contained in subpart 1.1. These control numbers are now listed on Acquisition.gov
- Subpart 1.2 - Administration
- Subpart 1.5 - Agency and Public Participation procedures.

Other key changes include:

- Class deviations require approval by the FAR Council except where required to implement agency-specific executive or statutory direction.

### **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 provision:

- 52.201-1 Acquisition 360: Voluntary Survey

B. Any open solicitations that contain this provision shall be amended to remove the provision.

### **Effective Date**

This deviation was effective May 22, 2025, and remains in effect until rescinded or incorporated into the FAR.

## **FAR Part 2**

### **Background**

FAR Part 2, Definitions of Words and Terms, has been updated as corresponding FAR Parts have been updated.

### **Required Actions**

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

### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 3**

### **Background**

FAR Part 3, Improper Business Practices and Personal Conflicts of Interest, has been retained with minimal deletions and minor updates made for plain language and streamlining. The model deviation does not implement FAR Case 2023-006, Preventing Organizational Conflicts of Interest in Federal Acquisition. This content will be addressed in subsequent policy.

The fundamental rules of ethical conduct remain exactly the same. We must all continue to:

- Act with Integrity: Always conduct business honestly and transparently.
- Avoid Conflicts of Interest: Continue to identify and report any personal, financial, or family relationships that give rise to actual or apparent biases when working on a government contract.
- Refuse Improper Gifts: The strict rules against accepting gifts, favors, or anything of value from contractors or potential contractors have not changed.
- Report Wrongdoing: Every employee has a duty to report any suspected fraud, waste, abuse, or other violations of law or regulation.
- Protect Sensitive Information: Do not use non-public information you get from your government work for personal gain.

Statutory requirements and presidential directives retained in the FAR Part 3 model deviation include, but may not be limited to, the following:

- 10 U.S.C. § 4651, Expenditure of Appropriations: Limitation
- 10 U.S.C. § 4655 and 41 U.S.C. § 4704, Prohibition of Contractors Limiting Subcontractor Sales Directly to Federal Government
- 18 U.S.C. § 208, Acts Affecting a Personal Financial Interest
- 18 U.S.C. § 218, Voiding Transactions in Violation of Chapter
- 41 U.S.C. § 2101 et seq, Procurement Integrity Act

- 41 U.S.C. § 3509, Notification of Violations of Federal Criminal Law or Overpayments
- 41 U.S.C. § 4712, Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information
- 41 U.S.C. § 8701 et seq, Anti-Kickback Act of 1986
- E.O. 12731, Principles of Ethical Conduct for Government Officers and Employees

### **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 clause:

- 52.203-15, Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009

B. For open solicitations or awarded contracts, the Contracting Officer has discretion regarding the need to enforce or amend this clause.

### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 4**

### **Background**

FAR Part 4, Administrative and Information Matters, 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 and government directives retained in the FAR Part 4 deviation include, but may not be 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

### **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:

- 52.204-1, Approval of Contract.
- 52.204-2, Security Requirements.
- 52.204-3, Taxpayer Identification.
- 52.204-6, Unique Entity Identifier.
- 52.204-8, Annual Representations and Certifications.
- 52.204-12, Unique Entity Identifier Maintenance.
- 52.204-16, Commercial and Government Entity Code Reporting.
- 52.204-17, Ownership or Control of Offeror.
- 52.204-18, Commercial and Government Entity Code Maintenance.
- 52.204-20, Predecessor of Offeror.
- 52.204-21 Basic Safeguarding of Covered Contractor Information Systems.
- 52.204-22, Alternative Line Item Proposal.
- 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.

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

- 52.204-7 System for Award Management.
- 52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards.
- 52.204-13 System for Award Management Maintenance.
- 52.204-14 Service Contract Reporting Requirements.
- 52.204-15 Service Contract Reporting Requirements for Indefinite-Delivery Contracts.

C. When issuing new solicitations or contracts, contracting officers shall add the following new provision and clause:

- 52.204-90 Offeror Identification.
- 52.204-91 Contractor Identification.

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

E. For any solicitation or contract using deviated 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.”

### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 5**

### **Background**

FAR Part 5, Publicizing Contract Actions, 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 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, Procurement and Property Disposal Powers; Determination of Small-Business Concerns
- 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

### **Required Actions**

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

### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 6**

### **Background**

FAR Part 6, Competition Requirements, has been streamlined to strengthen clarity and focus, helping to ensure procedures that support full and open competition are easier to understand and apply. Statutory requirements retained in the FAR Part 6 model deviation include, but are not limited to, the following:

- 41 U.S.C. § 1705, Advocates for Competition
- 41 U.S.C. § 3301 and 10 U.S.C. § 3201, Full and Open Competition
- 41 U.S.C. § 3303 and 10 U.S.C. § 3203, Exclusion of Particular Source or Restriction of Solicitation to Small Business Concerns
- 41 U.S.C. § 3304, Use of Noncompetitive Procedures
- 10 U.S.C. § 3204, Use of Procedures Other than Competitive Procedures
- 15 U.S.C. Chapter 14A, Aid to Small Business
- 42 U.S.C. § 5150, Major Disaster and Emergency Assistance, Use of Local Firms and Individuals

### **Required Actions**

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

### **Effective Date**

This deviation was effective July 6, 2025, and remains in effect until rescinded or incorporated into the FAR.

## **FAR Part 7**

### **Background**

FAR Part 7, Acquisition Planning, is streamlined to emphasize flexibility and move away from prescriptive checklists in favor of a dynamic planning process. The deviation recognizes the distinctions between task and delivery orders and award of new contracts, requiring appropriate acquisition planning for each. The placing of task and delivery orders is a faster and more streamlined process with significantly less pre-award actions required than in awarding new contracts. The level of detail should vary with the size and complexity of the acquisition. The deviation to part 7 also picks up on requirements previously found in FAR 10 to ensure small business concerns are appropriately considered. Requirements for bundling, substantial bundling, and consolidation are unified to ensure common consideration of any potential negative impact on small business. While there is no longer a requirement for acquisition plans with specific elements, there should still be forethought in what is being procured. Having a plan is key to ensuring the guiding principles of the acquisition system are met. By emphasizing early engagement, this change creates more opportunities to foster innovation and achieve successful results, reflecting a shift toward a more agile and strategic approach.

Statutory requirements and executive requirements retained in the FAR Part 7 model deviation include, but may not be limited to, the following:

- 41 U.S.C. §§ 3301 et seq, Planning and Solicitation
- 10 U.S.C. § 3453, Preference for Commercial Products and Commercial Services
- 15 U.S.C. § 657q, Consolidation of Contract Requirements
- 15 U.S.C. § 644, Awards or Contracts
- Pub. L. 115-254, Sec 555, Cost-Effectiveness Analysis of Equipment Rental
- OFPP Policy Letter 11-01, Performance of Inherently Governmental and Critical Functions

### **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 clause:

- 52.207-1 Notice of Standard Competition
- 52.207-2 Notice of Streamlined Competition
- 52.207-3 Right of First Refusal of Employment

B. 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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 8**

### **Background**

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

### **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:
  - 52.208-90 Government Supply Sources
  - 52.208-91 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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 9**

### **Background**

FAR Part 9, Contractor Qualifications, establishes the standards and procedures for determining contractor responsibility and eligibility for federal contracts, ensuring that only qualified, reliable contractors receive government awards. It protects the government's interests by requiring contractors to demonstrate they have adequate financial resources, technical capability, integrity, and past performance to successfully fulfill contract requirements.

Statutory requirements and presidential directives retained in the FAR Part 9 deviation include, but are not limited to, the following:

- 6 U.S.C. § 395, Prohibition on Contracts with Corporate Expatriates
- 10 U.S.C. § 3206 and 41 U.S.C. § 3306, Planning and Solicitation Requirements
- 10 U.S.C. § 3243 and 41 U.S.C. § 3311, Qualification Requirements
- 22 U.S.C. § 2593e, Measures Against Activities that Violate Arms Control Treaties
- 41 U.S.C. § 113, Responsible Source
- 41 U.S.C. § 2303, Ethics Safeguards Related to Contractor Conflicts of Interest
- 41 U.S.C. § 2304, Conflict of Interest Standards for Consultants
- 41 U.S.C. § 2313, Database for Suspension and Debarment Officials
- Pub. L. 103-355 Sec 2455, Uniform Suspension and Debarment
- Pub. L. 111-84 Sec 815, Clarification of Uniform Suspension and Debarment Requirement
- Pub. L. 117-324, Preventing Organization Conflicts of Interest in Federal Acquisition
- E.O. 12549 and E.O. 12689, Debarment and Suspension

### **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 use the following revised provisions and clauses:

- 52.209-1 Qualification Requirements.
- 52.209-2 Prohibition on Contracting With Inverted Domestic Corporations-Representation.
- 52.209-3 First Article Approval-Contractor Testing.
- 52.209-4 First Article Approval-Government Testing.
- 52.209-5 Certification Regarding Responsibility Matters.
- 52.209-6 Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, Proposed for Debarment, or Voluntarily Excluded.
- 52.209-7 Information Regarding Responsibility Matters.

- 52.209-9 Updates of Publicly Available Information Regarding Responsibility Matters.
- 52.209-10 Prohibition on Contracting With Inverted Domestic Corporations.
- 52.209-11 Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law.
- 52.209-13 Violation of Arms Control Treaties or Agreements-Certification.

B. 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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 10**

### **Background**

FAR Part 10, concerning Market Research, has been updated to offer acquisition teams more flexibility in their research methods:

- Greater flexibility in techniques: The FAR no longer lists specific market research considerations or techniques that must be used.
  - You have the flexibility to choose the market research method that best fits your needs. For example, you might host a reverse industry day or expert panel. This allows industry experts to share their perspectives, commercial practices, and experiences with the acquisition team.
  - For more information on reverse industry days, and to read about more good market research techniques, check out the “Smart Accelerators” in the Practitioner Album available at Acquisition.gov/far-overhaul.
- Competition requirements remain: Acquisition professionals must still comply with the Competition in Contracting Act (CICA) (41 U.S.C. § 3301 et seq), which may necessitate market research.
- Flexibility at all dollar values: Acquisition professionals can apply market research concepts to procurements of any size.
- While FAR clause 52.210-1 Market Research is not required by statute, across Government, it has been retained as essential to the acquisition process.

Statutory requirements retained in the FAR Part 10 model deviation include, but are not limited to, the following:

- 10 U.S.C. §3453, Preference for Commercial Products and Commercial Services
- 41 U.S.C. §3306, Planning and Solicitation Requirements
- 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services

- 41 U.S.C. § 1703 note, Effective Communication Between Government and Industry; inclusive of 41 U.S.C. § 3301 et seq and 41 U.S.C. § 2101 et seq.

### **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 use the following revised clause:
  - 52.210-1 Market Research.
- B. 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 was effective May 28, 2025, and remains in effect until rescinded or incorporated into the FAR.

## **FAR Part 11**

### **Background**

FAR Part 11, Describing Agency Needs, has been updated to ensure requirements are clear, focused on commercial standards, and do not unnecessarily limit competition. Statutory requirements retained in the FAR Part 11 model deviation include, but are not limited to, the following:

- 41 U.S.C. § 3306(a) and 10 U.S.C. § 3206(a): Planning and Solicitation Requirements
- 41 U.S.C. § 3307 and 10 U.S.C. § 3453: Preference for Commercial Products and Commercial Services
- 15 U.S.C. § 637(d)(4)(F): Requirements related to liquidated damages

### **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:
  - 52.211-1, Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29
  - 52.211-2, Availability of Defense Specifications, Standards, and Data Item Descriptions in the Acquisition Streamlining and Standardization Information System (ASSIST) Website

- 52.211-3, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions
- 52.211-4, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions
- 52.211-6, Brand Name or Equal
- 52.211-7, Alternatives to Government-Unique Standards
- 52.211-8, Time of Delivery
- 52.211-9, Desired and Required Time of Delivery
- 52.211-10, Commencement, Prosecution, and Completion of Work (for construction contracts only)
- 52.211-16, Variation in Quantity
- 52.211-17, Delivery of Excess Quantities
- 52.211-18, Variation in Estimated Quantity

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

- 52.211-5 Material Requirements.

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

#### **Effective Date**

This deviation was effective July 03, 2025, and remains in effect until rescinded or incorporated into the FAR.

#### **FAR Part 12**

##### **Background**

FAR Part 12, Acquisition of Commercial Products and Commercial Services, is significantly updated. The part has been fundamentally re-engineered in its structure, scope, and operational mechanics to make federal buying faster, simpler, and more aligned with commercial practices. These changes reflect an effort to create a user-centric part that champions flexibility and innovation when acquiring commercial products and services.

Statutory requirements retained in the FAR Part 12 deviation include, but may not be limited to, the following:

- 10 U.S.C. §§ 3451 et seq, Procurement of Commercial Products and Commercial Services
- 10 U.S.C. § 3453 and 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services

- 10 U.S.C. § 3771 and 41 U.S.C. § 2302, Rights in Technical Data
- 10 U.S.C. § 3805 and 41 U.S.C. § 4505, Payments for Commercial Products and Commercial Services
- 41 U.S.C. § 103, Commercial Product
- 41 U.S.C. § 103a, Commercial Service
- 41 U.S.C. § 104, Commercially Available Off-the-Shelf Item
- 41 U.S.C. § 1708, Procurement Notice
- Pub. L. 103-355, Federal Acquisition Streamlining Act of 1994 (FASA)
- Pub. L. 105-261 Sec 803, Defense Commercial Pricing Management Improvement

### **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 provision and clause:

- 52.212-3, Offeror Representations and Certifications- Commercial Products and Commercial Services
- 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Products and Commercial Services

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

- 52.212-1 Instructions to Offerors—Commercial Products and Commercial Services.
- 52.212-2 Evaluation—Commercial Products and Commercial Services.
- 52.212-4 Contract Terms and Conditions—Commercial Products and Commercial Services.

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

D. For any solicitation or contract using deviated 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.”

### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 13**

### **Background**

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

## **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.<sup>1</sup>
- 52.213-2, Invoices.<sup>2</sup>
- 52.213-3, Notice to Supplier.<sup>3</sup>

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

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

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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 14**

### **Background**

FAR Part 14, Sealed Bidding, is simplified to make the regulation more accessible, clear, and efficient for acquisition teams. Themes of the update for this part include:

- Structural Reorganization for Logical Flow
- Streamlining through Consolidation and Plain Language
- Modernization for Current Practices

Statutory requirements retained in the FAR Part 14 model deviation include, but may not be limited to, the following:

- 10 U.S.C. § 3201 and 41 U.S.C. § 3301, Full and Open Competition
- 10 U.S.C. § 3206 and 41 U.S.C. § 3306, Planning and Solicitation Requirements

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<sup>1</sup> Fast payments procedures will be covered in FAR Part 32.

<sup>2</sup> General payment procedures will be covered in FAR Part 32.

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

- 10 U.S.C. § 3301 and 41 U.S.C. § 3701, Basis of Award and Rejection
- 10 U.S.C. § 3302 and 41 U.S.C. § 3702, Sealed Bids
- 10 U.S.C. § 3702 and 41 U.S.C. § 3502, Required Cost or Pricing Data and Certification
- 41 U.S.C. § 1708, Procurement Notice
- 41 U.S.C. § 2301, Use of Electronic Commerce in Federal Procurement

### **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 provision:
  - 52.214-31, Facsimile Bids.
- B. When issuing new solicitations or contracts, contracting officers shall use the following revised provisions and clauses:
  - 52.214-3 Amendments to Invitations for Bids
  - 52.214-5 Submission of Bids
  - 52.214-7 Late submissions, modifications, and withdrawals of bids
  - 52.214-23 Late submissions, modifications, revisions, and withdrawals of technical proposals under two-step sealed bidding
  - 52.214-25 Step Two of Two-Step Sealed Bidding.
  - 52.214-26 Audit and Records—Sealed Bidding
  - 52.214-28 Subcontractor Certified Cost or Pricing Data—Modifications—Sealed Bidding
- 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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 15**

### **Background**

Besides a major restructuring, there have been significant changes to FAR 15, Contracting by Negotiation, to address long-term pain points for Government and Industry. Key new improvements and flexibilities to part 15 include:

- Logical Flow: The new framework replaces a topic-based structure with a more intuitive flow based on the acquisition life-cycle.
- Consolidation: Concepts that were previously fragmented are now unified creating a more cohesive framework.
- Core Vocabulary Changes: Key terms are defined and standardized.
  - The term “discussions” is replaced with “negotiations.” The term “communications,” in the context of competitive range establishment, has been eliminated. The term “deficiency” is redefined.
  - The use of “clarifications” now includes robust guidelines for its application. Clarifications permit minor corrections but do not allow for proposal revision and cannot be used to cure proposal deficiencies or material omissions. The scope of permissible clarifications was expanded to include coverage that was previously limited to “communications” before establishing the competitive range. Clarifications may be conducted at any time after receipt of proposals through contract award irrespective of whether a competitive range has been established.
- Updated Rules of Engagement: Contracting officers must negotiate with each responsible offeror within the competitive range and may further negotiate with the offerors as needed. Having further negotiations with one offeror does not require the contracting officer to have further negotiations with other offerors. The deviation text provides guidance on industry communication through early exchanges and debriefing.
- Redefined Competitive Range: The competitive range is now clearly defined as “the group of evaluated proposals that the contracting officer determines are best suited for further negotiation” instead of “all of the most highly rated proposals”.
- Enhanced Clarity: The text has been revised for greater clarity. It employs more direct language and introduces explicit subheadings for complex topics.

Statutory requirements retained in the FAR part 15 model deviation include, but may not be limited to, the following:

- 6 U.S.C. § 394, Unsolicited Proposals
- 10 U.S.C. § 3206 and 41 U.S.C. § 3306(c), Evaluation Factors
- 10 U.S.C. §§ 3301 et seq and 41 U.S.C. §§ 3701 et seq, Awarding of Contracts
- 10 U.S.C. §§ 3701 et seq and 41 U.S.C. §§ 3501 et seq, Truth in Negotiations Act
- 41 U.S.C. § 2102, Prohibitions on Disclosing and Obtaining Procurement Information

#### **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:

- 52.215-3 Request for Information or Solicitation for Planning Purposes
- 52.215-5 Facsimile Proposals

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

- 52.215-1 Instructions to Offerors— Competitive Acquisition
- 52.215-2 Audit and Records—Negotiation
- Alternate I is removed because it implemented the American Recovery and Reinvestment Act which is no longer active.
- 52.215-6 Place of Performance
- 52.215-8 Order of Precedence—Uniform Contract Format
- Alternates I and II to 52.215-9 Changes or Additions to Make-or-Buy Program.
- 52.215-11 Price Reduction for Defective Certified Cost or Pricing Data— Modifications
- 52.215-12 Subcontractor Certified Cost or Pricing Data
- 52.215-13 Subcontractor Certified Cost or Pricing Data—Modifications
- 52.215-15 Pension adjustments and asset reversions
- 52.215-18 Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions
- 52.215-19 Notification of Ownership Changes
- 52.215-20 Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data
- 52.215-21 Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data—Modifications
- 52.215-22 Limitations on Pass-Through Charges—Identification of Subcontract Effort
- 52.215-23 Limitations on Pass-Through Charges

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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 16**

### **Background**

FAR part 16, Types of Contracts, clarifies complicated policies and procedures for selecting contract type and gives the acquisition workforce new tools and flexibilities to support the guiding principles for the FAR System. Key new improvements and flexibilities to part 16 include:

- Innovative contract types that empower contracting officers to use novel contract structures. Examples of innovative contract types are expected to be included in the FAR Companion and other strategic acquisition guidance.
- Significant task and delivery order procedure simplification that will help reduce administrative errors, enhance consistency, and streamline the ordering process for both federal buyers and multiple-award contract holders.
- On-and-off ramps to maintain current, competitive, and innovative pools of vendors on multiple-award contracts.
- Blanket purchase agreements are allowed for repetitive requirements under all multiple award contracts, providing consistency with ordering procedures for Federal Supply Schedules.

Statutory requirements retained in the FAR part 16 model deviation include, but may not be limited to, the following:

- 10 U.S.C. §§ 3321 et seq and 41 U.S.C. §§ 3901 et seq, Specific Types of Contracts
- 10 U.S.C. §§ 3371 et seq, Undefinitized Contractual Actions
- 10 U.S.C. §§ 3401 et seq and 41 U.S.C. 4101 §§ et seq, Task and Delivery Order Contracts
- 41 U.S.C. § 3302, Requirements for Purchase of Property and Services Pursuant to Multiple Award Contracts
- Pub. L. 109-364 Section 814 and 41 U.S.C. § 4711, Linking of Award and Incentive Fees to Acquisition Outcomes

### **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 use the following revised provisions and clauses:

- 52.216-1 Type of Contract
- 52.216-7 Allowable Cost and Payment
- 52.216-21 Requirements
- 52.216-22 Indefinite Quantity

B. 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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

### **FAR Part 17**

#### **Background**

FAR Part 17, Special Contracting Methods, has been streamlined. The revisions can be characterized by three overarching themes: organizing information in a way that is easier to understand and use; combining related topics and removing repeated information; and making the language clearer through simpler sentences, active voice, and better formatting.

Statutory requirements retained in the FAR Part 17 model deviation include, but may not be limited to, the following:

- 41 U.S.C. § 3903 and 10 U.S.C. § 3501, Multiyear Contracts
- 31 U.S.C. § 1341, Limitations on Expending and Obligating Amounts
- 31 U.S.C. § 1535, The Economy Act
- Pub. L. 110-417 Sec. 865, Preventing Abuse of Interagency Contracts
- Pub. L. 110-181 Sec. 801, Internal Controls for Procurements on Behalf of the Department of Defense by Certain Non-defense Agencies 41 U.S.C. § 104, Commercially Available Off-the-Shelf Item

#### **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 use the following revised provisions:

- 52.217-4, Evaluation of Options Exercised at Time of Contract Award
- 52.217-5, Evaluation of Options

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

#### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 18**

### **Background**

FAR Part 18, Emergency Acquisitions, has been updated to streamline the acquisition flexibilities available for emergency acquisitions, and to retain increased thresholds, commercial procedures, and award preferences during an emergency.

Statutory requirements retained in the FAR Part 18 deviation include, but are not limited to, the following:

- 41 U.S.C. § 1903, Special Emergency Procurement Authority
- 42 U.S.C. Ch. 68, Stafford Disaster Relief and Emergency Assistance Act
- 10 U.S.C. § 101(a)(13), Contingency Operation
- 22 U.S.C. § 2292b, International Disaster Assistance
- 46 U.S.C. § 55305, Cargo Preference Act of 1954
- 41 U.S.C. § 153, Contract in Support of Humanitarian or Peacekeeping Operation

### **Required Actions**

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

### **Effective Date**

This deviation was effective June 17, 2025, and remains in effect until rescinded or incorporated into the FAR.

## **FAR Part 19**

### **Background**

FAR Part 19, Small Business, is streamlined and emphasizes the importance of small businesses in Federal procurement by making the regulations clearer, more intuitive, and easier for the acquisition workforce to implement. The deviated text preserves most substantive requirements while reorganizing them to align with the actual workflow of a contracting professional.

The part reinforces that it is the Government's policy to provide maximum practicable opportunities in its acquisitions to small business, 8(a) participants, and other small business socioeconomic categories (i.e. veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns).

For contracts, it keeps the rule of two (meaning COs must set aside requirements when there are two or more small businesses identified who can provide the supplies or service) above the micro-purchase threshold (MPT). The rule of two is required by statute between the MPT and the Simplified Acquisition Threshold (SAT). The FAR Council retained the rule of two above the SAT as essential to sound procurement.

Key highlights:

- Discretion for Contracting Officers. The deviated text clarifies that a contracting officer's decision to set-aside or not-set aside an order placed under a multiple-award contract is an exercise of discretion and not a basis for a protest.
- Removing rerepresentation requirements when ordering off an existing contract. Agency small business credit is driven by the size determination made by the contracting officer at the contract level and updated when certain contract level events take place (e.g. option exercise, novation).
- Competing 8(a) orders. Where an acquisition is below the competitive threshold (see 19.108-7(a)(2)), contracting officers must first try conducting the acquisition as a competitive 8(a) order using SBA-approved government-wide contracts before proceeding with a sole source 8(a) award.
- Automatic 8(a) release. A requirement is automatically released from the 8(a) program if the follow-on will be set aside under the HUBzone, SDVOSB, or WOSB programs. Release does not have to be formally requested in this situation.

Statutory requirements retained in the FAR Part 19 model deviation include, but may not be limited to, the following:

- 10 U.S.C. § 3203 and 41 U.S.C. § 3303, Exclusion of Particular Source or Restriction of Solicitation to Small Business Concerns
- 15 U.S.C. §§ 631 et seq, Small Business Act
- 41 U.S.C. § 3104, Small Business Concerns

### **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 clause:
  - 52.219-32 Orders Issued Directly Under Small Business Reserves
- B. When issuing new solicitations or contracts, contracting officers shall use the following revised provisions and clauses:

- 52.219-1 Small Business Program Representations
- 52.219-3 Notice of HUBZone Set-Aside or Sole Source Award
- 52.219-4 Notice of Price Evaluation Preference for HUBZone Small Business Concerns
- 52.219-6 Notice of Total Small Business Set Aside
- 52.219-8 Utilization of Small Business Concerns
- 52.219-9 Small Business Subcontracting Plan
- 52.219-10 Incentive Subcontracting Program
- 52.219-14 Limitations on Subcontracting
- 52.219-16 Liquidated Damages-Subcontracting Plan
- 52.219-27 Notice of Set-Aside for, or SoleSource Award to, Service-Disabled Veteran-Owned Small Business (SDVOSB) Concerns Eligible Under the SDVOSB Program
- 52.219-28 Postaward Small Business Program Rerepresentation
- 52.219-29 Notice of Set-Aside for, or SoleSource Award to, Economically Disadvantaged WomenOwned Small Business Concerns
- 52.219-30 Notice of Set-Aside for, or SoleSource Award to, Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program
- 52.219-33 Nonmanufacturer Rule

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

D. For any solicitation or contract using deviated 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.”

#### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

#### **FAR Part 20**

FAR Part 20 is reserved and no changes have been made.

## **FAR Part 21**

FAR Part 21 is reserved and no changes have been made.

## **FAR Part 22**

### **Background**

FAR part 22, Application of Labor Laws to Government Acquisitions, is restructured to align with the stages of the acquisition lifecycle. This reorganization will help acquisition teams apply the labor requirements during the correct stage of the procurement. The part is now shorter, with many sections combined to remove redundancy and duplicative language. Importantly, the fundamental protections for workers remain the same. For example, contractors are still required to:

- Pay the correct prevailing wages for construction and service work
- Provide safe and sanitary working conditions
- Ensure equal opportunity for veterans
- Pay overtime correctly

Subpart 22.11, “Professional Employee Compensation” was not based on statute. This part, and the provision in 52.222-46, “Evaluation of Compensations for Professional Employees” has been removed.

The model deviation text for this part does not cover the rescission of Executive Order (E.O.) 14026, addressing minimum wage for federal contractors, made by E.O. 14236. For information on the rescission of E.O. 14026, see the Department of Labor's website at <https://www.dol.gov/agencies/whd/government-contracts/eo14026>.

Statutory requirements and presidential directives retained in the FAR Part 22 model deviation include, but may not be limited to, the following:

- 8 U.S.C. § 1324a, Unlawful Employment of Aliens
- 18 U.S.C. § 874, Kickbacks from Public Works Employees
- 22 U.S.C. §§ 7101 et seq, Trafficking Victims Protection
- 29 U.S.C. §§ 201 et seq, Fair Labor Standards
- 29 U.S.C. § 793, Employment Under Federal Contracts
- 38 U.S.C. § 4212, Veterans’ Employment Emphasis Under Federal Contracts
- 40 U.S.C. §§ 3141 et seq, Wage Rate Requirements
- 40 U.S.C. §§ 3701 et seq, Contract Work Hours and Safety Standards
- 41 U.S.C. § 6502, Required Contract Terms
- 41 U.S.C. §§ 6701 et seq, Service Contract Labor Standards
- E.O. 11755, Relating to Prison Labor, as amended by E.O.s 12608 and 12943
- E.O. 13126, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor

- E.O. 13496, Notification of Employee Rights Under Federal Labor Laws
- E.O. 13706, Establishing Paid Sick Leave for Federal Contractors
- E.O. 14063, Use of Project Labor Agreements for Federal Construction Projects

### **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:

- 52.222-21 Prohibition of segregated facilities
- 52.222-22 Previous Contracts and Compliance Reports
- 52.222-23 Notice of Requirement for Affirmative Action To Ensure Equal Employment Opportunity for Construction
- 52.222-24 Preaward On-Site Equal Opportunity Compliance Evaluation
- 52.222-25 Affirmative Action Compliance
- 52.222-26 Equal Opportunity
- 52.222-27 Affirmative Action Compliance Requirements for Construction
- 52.222-29 Notification of Visa Denial
- 52.222-38 Compliance with Veterans' Employment Reporting Requirements
- 52.222-46 Evaluation of Compensation for Professional Employees

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

- 52.222-4 Contract Work Hours and Safety Standards—Overtime Compensation
- 52.222-6 Construction Wage Rate Requirements
- 52.222-11 Subcontracts (Labor Standards)
- 52.222-19 Child Labor—Cooperation with Authorities and Remedies
- 52.222-20 Contracts for Materials, Supplies, Articles, and Equipment
- 52.222-35 Equal Opportunity for Veterans
- 52.222-36 Equal Opportunity for Workers with Disabilities
- 52.222-37 Employment Reports on Veterans
- 52.222-48 Exemption From Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Certification
- 52.222-50 Combating Trafficking in Persons
- 52.222-52 Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Certification

- 52.222-53 Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements
- 52.222-54 Employment Eligibility Verification

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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

### **FAR Part 23**

#### **Background**

FAR part 23, Sustainable Acquisition, Material Safety, and Pollution Prevention, has been revised to enhance clarity and efficiency, and to ensure compliance with current statutory requirements. The updated FAR part maintains existing statutory mandates for energy efficiency, biobased products, energy savings performance contracts, hazardous material identification, and pollution prevention. Requirements related to clean energy and waste reduction, previously driven by the now-revoked E.O. 14057, have been removed.

Statutory requirements retained in the FAR Part 23 model deviation include, but may not be limited to, the following:

- 7 U.S.C. § 8102, Biobased Markets Program
- 42 U.S.C. § 6361, Federal Energy Conservation Programs
- 42 U.S.C. § 6962, Resource Conservation and Recovery Act of 1976
- 42 U.S.C. § 8259b, Federal Procurement of Energy Efficient Products
- 42 U.S.C. §§ 7671 et seq, Stratospheric Ozone Protection
- 42 U.S.C. §§ 13101 et seq, Pollution Prevention Act of 1990

#### **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:

- 52.223-10 Waste Reduction Program
- 52.223-19 Compliance with Environmental Management Systems
- 52.223-20 Aerosols
- 52.223-21 Foams

- 52.223-22 Public Disclosure of Greenhouse Gas Emissions and Reduction Goals-Representation.

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

- 52.223-1 Biobased Product Certification
- 52.223-2 Reporting of Biobased Products Under Service and Construction Contracts
- 52.223-3 Hazardous Material Identification and Safety Data
- 52.223-7 Notice of Radioactive Materials
- 52.223-11 Ozone-Depleting Substances
- 52.223-12 Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners
- 52-223-23 Sustainable Products

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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

#### **FAR Part 24**

##### **Background**

FAR Part 24, Protection of Privacy and Freedom of Information, has been retained with minimal deletions and minor updates made for plain language. No changes were made to provisions or clauses. The only change of note is section 24.301 is deleted. This section outlined requirements for contractors to provide their employees with privacy training. The content is duplicative as it is already covered in clause 52.224-3.

Statutory requirements and executive directives retained in the FAR Part 24 model deviation include, but may not be limited to, the following:

- 5 U.S.C. § 552, as amended, Freedom of Information Act
- 5 U.S.C. § 552a (Pub. L. 93-579), Privacy Act of 1974
- 5 U.S.C. § 574, Confidentiality
- 10 U.S.C. § 3309 and 41 U.S.C. § 4702, Prohibition on Release of Contractor Proposals
- 10 U.S.C. § 3705 and 41 U.S.C. § 3505, Submission of Other Information
- OMB Circular No. A-130, Managing Information as a Strategic Resource

## **Required Actions**

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

## **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 25**

### **Background**

FAR part 25, Foreign Acquisition, 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, 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 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 BuyAmerican 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

#### **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 or clauses:

- 52.225-13 Restrictions on Certain Foreign Purchases
- 52.225-20 Prohibition on Conducting Restricted Business Operations in Sudan—Certification.
- 52.225-21 Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials.
- 52.225-22 Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials
- 52.225-23 Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements.
- 52.225-24 Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements.
- 52.225-25 Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran—Representation and Certifications.

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

- 52.225-1 Buy American—Supplies
- 52.225-3 Buy American—Free Trade Agreements—Israeli Trade Act
- 52.225-4 Buy American—Free Trade Agreements—Israeli Trade Act Certificate
- 52.225-9 Buy American—Construction Materials
- 52.225-11 Buy American—Construction Materials Under Trade Agreement

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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

### **FAR Part 26**

#### **Background**

FAR Part 26, Other Socioeconomic Programs, 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. Statutory requirements and presidential directives retained in the FAR Part 26 model deviation include, but are not limited to, the following:

- 6 U.S.C. § 796, Registry of Disaster Response Contractors
- 25 U.S.C. § 1544, Additional Compensation to Contractors of Federal Agency
- 41 U.S.C. §§ 8101 et seq, Drug Free Workplace
- 42 U.S.C. § 1792, Promoting Federal Food Donation
- 42 U.S.C. § 5150, Use of Local Firms and Individuals
- Pub. L. 100-707 (42 U.S.C. §§ 5121 et seq), Robert T. Stafford Disaster Relief and Emergency Assistance Act
- Pub. L. 114-328 Section 816, Amendments to Special Emergency Procurement Authority
- Pub. L. 114-328 Section 1641, Special Emergency Procurement Authority to Facilitate the Defense Against or Recovery from a Cyber Attack.
- E.O. 12928, Promoting Procurement with Historically Black Colleges and Universities, and Minority Institutions

#### **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 use the following revised provisions and clauses:

- 52.226-1 Utilization of Indian Organizations and Indian-Owned Economic Enterprises
- 52.226-6 Promoting Excess Food Donation to Nonprofit Organizations

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

#### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

### **FAR Part 27**

#### **Background**

FAR Part 27, Patents, Data, and Copyrights, governs intellectual property rights in government contracts, explaining how parties acquire rights, how rights are licensed or shared, and how to protect both government and contractor interests. It has been updated with important plain language updates, enhanced clarity, and improved readability.

Statutory requirements retained in the FAR Part 27 model deviation include, but may not be limited to, the following:

- 10 U.S.C. § 3793, Copyrights, Patents, Designs
- 15 U.S.C. § 638, Research and Development
- 17 U.S.C. §§ 101 et. seq., Copyrights
- 18 U.S.C. § 798, Disclosure of Classified Information
- 28 U.S.C. § 1498, Patent and Copyright Cases
- 35 U.S.C. §§ 200 et. seq., Patent Rights in Inventions Made with Federal Assistance
- 41 U.S.C. § 2302, Rights in Technical Data

#### **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 provision or clauses:

- 52.227-7, Patents—Notice of Government Licensee

- 52.227-18, Rights in Data—Existing Works
- 52.227-19, Commercial Computer Software License
- 52.227-23, Rights to Proposal Data (Technical)

B. 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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

### **FAR Part 28**

#### **Background**

FAR Part 28, Bonds and Insurance, has been retained with minimal deletions and minor updates made for plain language. No changes were made to provisions or clauses.

Statutory requirements retained in the FAR Part 28 model deviation include, but may not be limited to, the following:

- 15 U.S.C. §§ 694a et seq, Surety Bond Guarantees
- 31 U.S.C. §§ 3901 et seq, Prompt Payment
- 31 U.S.C. §§ 9301 et seq, Sureties and Surety Bonds
- 40 U.S.C. §§ 3131 et seq, Bonds
- 42 U.S.C. §§ 1651 et seq, Defense Base Act
- Pub. L. 103-355 Sec 2091, Government-wide Application of Payment Protections for Subcontractors and Suppliers
- Pub. L. 114-92 Sec 874, Surety Bond Requirements and Amount of Guarantee

#### **Required Actions**

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

#### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

### **FAR Part 29**

#### **Background**

FAR Part 29, Taxes, has been updated to be more direct, active, and accessible. The main objective was to rewrite the complex tax requirements in plain language, leading

to an approximate 20% reduction in word count. Statutory requirements retained in the FAR Part 29 model deviation include, but are not limited to, the following:

- 26 U.S.C. § 4041, Imposition of tax
- 26 U.S.C. § 4053, Exemptions
- 26 U.S.C. § 4064, Gas guzzler tax
- 26 U.S.C. § 4221, Certain tax-free sales
- 26 U.S.C. § 4293 and § 4483, Tax exemptions
- 26 U.S.C. § 5000C, Imposition of tax on certain foreign procurement
- 10 U.S.C. § 402, Transportation of humanitarian relief supplies to foreign countries
- 10 U.S.C. § 404, Foreign disaster assistance
- 10 U.S.C. § 2557, Domestic emergency assistance
- 10 U.S.C. § 2561, Humanitarian assistance

### **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:
  - 52.229-13, Taxes—Foreign Contracts in Afghanistan
  - 52.229-14, Taxes—Foreign Contracts in Afghanistan (North Atlantic Treaty Organization Status of Forces Agreement)
- B. For open solicitations or awarded contracts, the Contracting Officer has discretion regarding the need to enforce or amend the provisions or clauses.

### **Effective Date**

This deviation was effective August 03, 2025, and remains in effect until rescinded or incorporated into the FAR.

## **FAR Part 30**

### **Background**

FAR Part 30, Cost Accounting Standards Administration, has undergone a comprehensive revision that includes a complete structural reorganization to align with the acquisition lifecycle, enhanced clarity, and a strategic consolidation of policies coupled with the elimination of obsolete requirements.

Statutory requirements retained in the FAR Part 30 model deviation include, but may not be limited to, the following:

- 10 U.S.C. § 3702, Required Cost or Pricing Data and Certification
- 10 U.S.C. § 3761, Restructuring Costs
- 26 U.S.C. § 6621, Determination of Rate of Interest
- 41 U.S.C. §§ 1501 et seq, Cost Accounting Standards
- Pub. L. 100-679 Sec 5, Cost Accounting Standards Board
- Pub. L. 106-65 Sec 802, Streamlined Applicability of Cost Accounting Standards

### **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 use the following revised clauses and provision:

- 52.230-1 Cost Accounting Standards Notices and Certifications
- 52.230-2 Cost Accounting Standards
- 52.230-3 Disclosure and Consistency of Cost Accounting Practices
- 52.230-4 Disclosure and Consistency of Cost Accounting Practices-Foreign Concerns
- 52.230-5 Cost Accounting Standards-Educational Institution
- 52.230-6 Administration of Cost Accounting Standards

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

### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 31**

### **Background**

FAR Part 31, Contract Cost Principles and Procedures, anchored in federal appropriations law, has been streamlined to provide only the essential requirements for the pricing of contracts, subcontracts, and modifications whenever cost analysis is performed. Statutory requirements and principles retained in the FAR Part 31 model deviation include, but are not limited to, the following:

- Armed Services Procurement Act of 1947, Public Law 413
- 41 U.S.C. Chapter 43 and 10 U.S.C. Chapter 273, Allowable Costs
- 31 U.S.C. Chapter 37, Subchapter III, Claims Against the United States Government

- 18 U.S.C. § 1031, Major Fraud Against the United States
- OMB Circular A-122, Cost Principles for Nonprofit Organizations
- OMB Circular A-21, Cost Principles for Educational Institutions
- OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments

### **Required Actions**

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

### **Effective Date**

This deviation was effective August 03, 2025, and remains in effect until rescinded or incorporated into the FAR.

## **FAR Part 32**

### **Background**

FAR part 32, Contract Financing, has been updated to simplify the part, remove outdated information, and add a new subpart (and corresponding clause) for Fast Payment Procedures (previously at subpart 13.4) for smaller dollar purchases.

Statutory requirements retained in the FAR Part 32 model deviation include, but may not be limited to, the following:

- 10 U.S.C. §§ 3801 et seq and 41 U.S.C. §§ 4501 et seq, Contract Financing
- 31 U.S.C. § 1341, Anti-Deficiency Act
- 31 U.S.C. § 3324, Advances
- 31 U.S.C. § 3711, Debt Collection Improvement Act of 1996
- 31 U.S.C. § 3727 and 41 U.S.C. § 6305, Assignment of Claims Act of 1940
- 31 U.S.C. §§ 3901 et seq, Prompt Payment Act
- 50 U.S.C. §§ 4501 et seq, Defense Production Act of 1950
- Pub. L. 102-190 Sec 806 as amended (10 U.S.C. § 4601 note prec.), Government-wide Application of Payment Protections for Subcontractors and Suppliers

### **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 use the following revised provisions and clauses:

- 52.232-3 Payments Under Personal Services Contracts
- 52.232-12 Advance Payments
- 52.232-16 Progress Payments

- 52.232-20 Limitation of Cost
- 52.232-22 Limitation of Funds
- 52.232-36 Payment by Third Party

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

- 52.232-90 Fast Payment Procedure (previously at 52.213-1)

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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

### **FAR Part 33**

#### **Background**

FAR Part 33, Protests, Disputes, and Appeals, has been updated to reflect administration priorities to reduce protests and resolve protests at the lowest level possible. The update represents a significant and deliberate modernization of a critical component of the federal procurement system and is aimed at increasing efficiency, clarity, and fairness in federal acquisitions.

Statutory requirements and presidential directives retained in the FAR Part 33 deviation include, but may not be limited to, the following:

- 5 U.S.C. §§ 571 et seq, Administrative Dispute Resolution Act (ADRA)
- 31 U.S.C. § 1558, Availability of Funds Following Resolution
- 31 U.S.C. §§ 3551 et seq, Procurement Protest System
- 41 U.S.C. §§ 7101 et seq, Contract Disputes
- E.O. 12979, Agency Procurement Protests

#### **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 use the following revised provision and clauses:

- 52.233-1 Disputes
- 52.233-2 Service of Protest

- 52.233-3 Protest After Award
- B. 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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

### **FAR Part 34**

#### **Background**

FAR part 34 describes acquisition policies and procedures for use in acquiring major systems consistent with OMB Circular No. A-109; and the use of an Earned Value Management System in acquisitions designated as major acquisitions consistent with OMB Circular A-11, part 7. The FAR Part 34 deviation text retains FAR subparts 34.1 and 34.2. Subpart 34.1 deals with statutory requirements tied to 50 U.S.C. 4531 et seq. Subpart 34.2 deals with Earned Value Management requirements tied to OMB Circular A-11. Non-statutory requirements removed from FAR part 34 include the general guidance provided in sections 34.001 through 34.005.

#### **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:
  - 52.234-2 Notice of Earned Value Management System Preaward Integrated Baseline Review
  - 52.234-3 Notice of Earned Value Management System Postaward Integrated Baseline Review
- B. When issuing new solicitations or contracts, contracting officers shall use the following revised provision and clause:
  - 52.234-1 Industrial Resources Developed Under Title III of the Defense Production Act.
  - 52.234-4 Earned Value Management System.
- C. Any open solicitations that contain these provisions shall be amended to remove the provisions.

### **Effective Date**

This deviation was effective May 22, 2025, and remains in effect until rescinded or incorporated into the FAR.

## **FAR Part 35**

### **Background**

FAR Part 35, Research and Development Contracting, moves away from a prescriptive, specialized regulatory framework for research and development (R&D) contracting toward a streamlined structure that empowers acquisition professionals and makes the federal R&D environment more attractive for innovative commercial firms.

The part is streamlined from 25 to 20 components (subparts, sections, subsections) that are reorganized in a more logical flow of the procurement lifecycle. This significant update greatly improves the usability of the content.

Statutory requirements retained in the FAR Part 35 model deviation include, but are not limited to, the following:

- 31 U.S.C. § 6303, Using Procurement Contracts
- 10 U.S.C. § 4126, Use of Federally Funded Research and Development Centers

### **Required Actions**

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

### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 36**

### **Background**

FAR Part 36, Construction and Architect-Engineer Contracts, has undergone a comprehensive revision that includes a complete structural reorganization to align with the acquisition lifecycle, enhanced clarity, and a strategic consolidation of policies coupled with the elimination of outdated requirements. In addition, multiple clauses and provisions were removed reflecting an almost 20% reduction in clauses and provisions. Statutory requirements retained in the FAR Part 36 model deviation include, but are not limited to, the following:

- 10 U.S.C. § 3241 and 41 U.S.C. § 3309, Design-Build Selection Procedures
- 15 U.S.C. § 644(w), Administration of Construction Change Orders
- Pub. L. 92-582, Brooks Act of 1972
- Pub. L. 103-355, Federal Acquisition Streamlining Act of 1994

- Pub. L. 108-136, Services Acquisition Reform Act of 2003

### **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:

- 52.236-1, Performance of Work by the Contractor
- 52.236-4, Physical Data
- 52.236-19, Organization and Direction of the Work
- 52.236-26, Preconstruction Conference
- 52.236-27, Site Visit (Construction)
- 52.236-28, Preparation of Proposals-Construction

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

- 52.236-2, Differing Site Conditions
- 52.236-3, Site Investigation and Conditions Affecting the Work
- 52.236-5, Material and Workmanship
- 52.236-6, Superintendence by the Contractor
- 52.236-7, Permits and Responsibilities
- 52.236-8, Other Contracts
- 52.236-9, Protection of Existing Vegetation, Structures, Equipment, Utilities, and Improvements
- 52.236-10, Operations and Storage Areas
- 52.236-11, Use and Possession Prior to Completion
- 52.236-12, Cleaning Up
- 52.236-13, Accident Prevention
- 52.236-14, Availability and Use of Utility Services
- 52.236-15, Schedules for Construction Contracts
- 52.236-16, Quantity Surveys
- 52.236-17, Layout of Work
- 52.236-21, Specifications and Drawings for Construction
- 52.236-22, Design Within Funding Limitations
- 52.236-23, Responsibility of the Architect-Engineer Contractor

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

#### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

### **FAR Part 37**

#### **Background**

FAR Part 37, Service Contracting, has been updated with a new structure that is more logical and easier to follow. The changes focus on two key themes: emphasizing policy priorities and organizing guidance to follow the acquisition lifecycle.

Previously, critical topics like Performance-Based Acquisition (PBA), rules on personal services, and the prohibition on contracting for inherently governmental functions were either embedded within broader sections or placed at the end of the part. Now, these topics have been elevated into their own distinct subparts at the very beginning of the regulation. Placing PBA first, for example, is a deliberate signal of policy emphasis.

Additionally, each of these new subparts is organized to mirror parts of the acquisition process. Sections are now titled "Presolicitation," "Evaluation and Award," and "Postaward" where applicable. This turns the regulation into a procedural roadmap, guiding users through the steps at each phase of the acquisition.

Statutory requirements retained in the FAR Part 37 deviation include, but may not be limited to, the following:

- 5 U.S.C. §§ 3101 et seq, Employment Authorities
- 10 U.S.C. § 3133 and 41 U.S.C. § 3902, Severable Services Contracts for Periods Crossing Fiscal Years
- 10 U.S.C. § 3744 and 41 U.S.C. § 4304, Specific Costs not Allowable
- 10 U.S.C. § 4507, Contracts for Professional and Technical Services
- 34 U.S.C. § 20351, Requirement for Background Checks
- 40 U.S.C. §§ 3141 et seq, Wage Rate Requirements
- 41 U.S.C. § 1709, Contracting Functions Performed by Federal Personnel
- 41 U.S.C. § 4105, Advisory and Assistance Services
- 41 U.S.C. §§ 6701 et seq, Service Contract Labor Standards
- Pub. L. 106-398, Sec 821, Improvements in Procurements of Services

#### **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 use the following revised provision and clauses:

- 52.237-7 Indemnification and Medical Liability Insurance
- 52.237-8 Restriction on Severance Payments to Foreign Nationals
- 52.237-9 Waiver of Limitation on Severance Payments to Foreign Nationals

B. 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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

**FAR Part 38**

**Background**

FAR part 38, Federal Supply Schedule Contracting, is removed in its entirety. Guidance and procedures for the Schedule program will be moved from FAR part 38 and subpart 8.4 to General Services Acquisition Regulation (GSAR) part 538.

**Required Actions**

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

**Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

**FAR Part 39**

**Background**

FAR part 39, concerning Acquisition of Information and Communication Technology, has been streamlined to be future forward and emphasize strategies that promote faster acquisition and secure deployment of technology that is new or emerging.

Notably, FAR part 39 is renamed –

- From: Acquisition of Information Technology
- To: Acquisition of Information and Communication Technology

Statutory requirements retained in the FAR Part 39 model deviation include, but are not limited to, the following:

- 41 U.S.C. § 2308, Modular Contracting for Information Technology
- 40 U.S.C. § 1461, Procurement Procedures
- 29 U.S.C. § 794d, Electronic and Information Technology

### **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 clause:

- 52.239-1, Privacy or Security Safeguards

B. For open solicitations or awarded contracts, the Contracting Officer has discretion regarding the need to enforce or amend the clause.

### **Effective Date**

This deviation was effective June 17, 2025, and remains in effect until rescinded or incorporated into the FAR.

## **FAR Part 40**

### **Background**

FAR Part 40, Information Security and Supply Chain Security, has been reorganized to logically organize security requirements.

Simplified: FAR Part 40 is reorganized into three key subparts:

- Subpart 40.1 - Processing Supply Chain Risk Information (previously reserved)
- Subpart 40.2 - Security Prohibitions and Exclusions
- Subpart 40.3 - Safeguarding Information (previously reserved)

Consolidated:

- Regulatory requirements previously found at FAR Subparts 4.4, 4.19 through 4.23, and 25.7 have been moved into Part 40.
- More than a dozen separate provisions and clauses have been merged into four (one provision and three clauses).

Statutory requirements retained in the FAR Part 40 deviation include, but may not be limited to, the following:

- 41 U.S.C. §§ 1321 et seq, Federal Acquisition Supply Chain Security Act (FASCSA)

- 41 U.S.C. § 4713, Authorities Related to Mitigating Supply Chain Risks in the Procurement of Covered Articles
- 44 U.S.C. §§ 3501 et seq, Federal Information Policy
- Pub. L. 115-91 Section 1634, Prohibition on Use of Products and Services Developed or Provided by Kaspersky Lab
- Pub. L. 115-232 Section 889, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment
- Pub. L. 115-232 Section 1758, Requirements to Identify and Control the Export of Emerging and Foundational Technologies
- Pub. L. 115-390, Strengthening and Enhancing Cyber-capabilities by Utilizing Risk Exposure Technology Act (SECURE Technology Act)
- Pub. L. 117-328 Div R Section 102, Prohibition on the Use of TikTok
- Pub. L. 118-31 Section 1823, Prohibition on Procurement of Covered Unmanned Aircraft Systems from Covered Foreign Entities.

### **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 clause:
  - 52.240-1, Prohibition on Unmanned Aircraft Systems Manufactured or Assembled by American Security Drone Act— Covered Foreign Entities.
- B. When issuing new solicitations or contracts, contracting officers shall add the following new provision and clauses:
  - 52.240-90, Security Prohibitions and Exclusions Representations and Certifications.
  - 52.240-91, Security Prohibitions and Exclusions.
  - 52.240-92, Security Requirements.
  - 52.240-93, Basic Safeguarding of Covered Contractor Information Systems.
- C. For open solicitations or awarded contracts, the Contracting Officer has discretion regarding the need to enforce or amend these provisions and clauses.
- D. For any solicitation or contract using deviated 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.”

#### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

### **FAR Part 41**

#### **Background**

FAR Part 41, Acquisition of Utility Services, has been retained, streamlined, and improved for clarity. All subparts have been retained. Plain language edits or other updates have been made throughout the part to remove unnecessary information or otherwise clarify the content. All clauses and provisions are retained. Notably, the definition of “utility service” is updated. Services such as broadband internet and information technology services, which were nascent or nonexistent when the original regulation was drafted, are now explicitly carved out. This prevents agencies from incorrectly applying utility acquisition procedures. This change reduces the risk of improper sole-source justifications and promotes full and open competition in those dynamic markets.

Statutory requirements retained in the FAR Part 41 model deviation include, but may not be limited to, the following:

- 40 U.S.C. § 501, Services for Executive Agencies
- 42 U.S.C. § 2204, Electric Utility Contracts
- 42 U.S.C. §§ 7251 et. seq., Department of Energy Organization Act
- 42 U.S.C. § 8287, Authority to Enter into Contracts

#### **Required Actions**

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

#### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

### **FAR Part 42**

#### **Background**

FAR part 42, Contract Administration and Audit Services, has been streamlined from 17 subparts to 13, and places more emphasis on contractor performance evaluations and

using performance information throughout the acquisition lifecycle, not just for source selection information.

The update removes language limiting past performance information to future “source selection” purposes and places an end date (April 1, 2026) on when evaluations should be marked as source selection.

This revision signals to acquisition teams that past performance information may be used throughout the acquisition lifecycle.

In addition, the deviated text makes certain permissive considerations during performance evaluations mandatory. For example, section 42.1503(b) previously suggested considerations to document on an evaluation report, but the deviated text (42.1103(b)) now states that these areas must be documented. This emphasizes the importance of documenting key information consistently.

Finally, the deviated text removes the limitation on evaluating performance on AbilityOne contracts (previously at 42.1502(h)). With removal of this limitation, contracting activities can now document performance evaluations for AbilityOne contractors, providing a useful tool to motivate good contract performance by AbilityOne contractors, and enabling high-performing AbilityOne contractors to use positive performance evaluations to compete for new opportunities.

Statutory requirements retained in the RFO FAR part 42 model deviation include, but are not limited to, the following:

- 10 U.S.C. §§ 3741 et seq and 41 U.S.C. §§ 4301 et seq, Allowable Costs
- 10 U.S.C. § 3841 and 41 U.S.C. § 4706, Contractor Audits and Accounting
- 11 U.S.C. §§ 501 et seq, Creditors and Claims
- 31 U.S.C. § 1535, The Economy Act
- 41 U.S.C. § 1126, Policy Regarding Consideration of Contractor Past Performance
- 41 U.S.C. § 1326, Requirements for Executive Agencies
- 41 U.S.C. § 2313, Database for Federal Agency Contract and Grant Officers and Suspension and Debarment Officials
- 41 U.S.C. § 3102, Delegation and Assignment of Powers, Functions, and Responsibilities
- 41 U.S.C. § 4504, Conditions for Progress Payments
- 41 U.S.C. § 6305, Assignment of Contracts Act

### **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 use the following revised clauses:
  - 52.242-3 Penalties for Unallowable Costs
- B. 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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

### **FAR Part 43**

#### **Background**

FAR part 43, Contract Modifications, has been streamlined to provide the essential contract modification standards for the workforce to limit risk to the public and government. Statutory requirements retained in the FAR Part 43 model deviation include, but are not limited to, the following:

- 31 U.S.C. § 1501, Documentary Evidence Requirement for Government Obligations
- 31 U.S.C. § 1341, Anti-Deficiency Act
- 41 U.S.C. §§ 7101-7109, Contract Disputes Act of 1978

#### **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 use the following revised clauses:
  - 52.243-1 Changes-Fixed-Price.
  - 52.243-2 Changes-Cost-Reimbursement.
  - 52.243-3 Changes-Time-and-Materials or Labor-Hours.
  - 52.243-4 Changes.
  - 52.243-5 Changes and Changed Conditions.
  - 52.243-6 Change Order Accounting.
  - 52.243-7 Notification of Changes.
- B. 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 was effective June 17, 2025, and remains in effect until rescinded or incorporated into the FAR.

## **FAR Part 44**

### **Background**

FAR Part 44, Subcontracting Policies and Procedures, has been updated to create a more agile, risk-based, and efficient system that empowers contracting officers, reduces administrative burdens on contractors, and encourages broader participation from the commercial sector.

Statutory requirements retained in the FAR Part 44 model deviation include, but may not be limited to, the following:

- 10 U.S.C. § 3322(c) and 41 U.S.C. § 3905(c), Advance Notice of Certain Subcontracts
- 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services

### **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 use the following revised clause:
  - 52.244-6 Subcontracts for Commercial Products and Commercial Services
- B. 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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 45**

### **Background**

FAR Part 45, Government Property, has been retained with minimal deletions and minor updates made for plain language. No changes were made to provisions or clauses. The FAR Companion includes additional guidance and best practices to support this FAR part.

Statutory requirements retained in the FAR Part 45 model deviation include, but may not be limited to, the following:

- 40 U.S.C. § 503, Exchange or Sale of Similar Items
- 40 U.S.C. § 524, Duties of Executive Agencies
- 40 U.S.C. § 546, Contractor Inventories

### **Required Actions**

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

### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 46**

### **Background**

FAR Part 46, Quality Assurance, has been updated for clarity and usability.

Statutory requirements retained in the FAR Part 46 deviation include, but are not limited to, the following:

- 41 U.S.C. § 1711, Value Engineering
- 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services
- Pub. L. 103-355, Federal Acquisition Streamlining Act of 1994 (FASA)
- Pub. L. 112-81 Sec 818, Detection and Avoidance of Counterfeit Electronic Parts

### **Required Actions**

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

### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 47**

### **Background**

FAR Part 47, Transportation, addresses the transportation policies and procedures applicable to the procurement of supplies. This part addresses the policies applied to transportation, including terms of art that when applied to a contract directly impact the roles and responsibilities of the contract.

The part has been comprehensively revised to improve clarity, consolidate policies, and eliminate outdated requirements. These changes, including the removal of 33 clauses, will streamline the procurement process. Commercial transportation remains the preferred shipping method.

Statutory requirements retained in the FAR Part 47 model deviation include, but may not be limited to, the following:

- 10 U.S.C. § 2631, Preference for United States Vessels in Transporting Supplies by Sea
- 22 U.S.C. § 2353, Shipping on United States Vessels
- 46 U.S.C. § 55305, Cargoes Procured, Furnished, or Financed by the United States Government
- 49 U.S.C. § 10721 and § 13712, Interstate Commerce Act
- 49 U.S.C. § 40118, Government-Financed Air Transportation

### **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:

- 52.247-3 Capability To Perform a Contract for the Relocation of a Federal Office
- 52.247-4 Inspection of Shipping and Receiving Facilities
- 52.247-6 Financial Statement
- 52.247-7 Freight Excluded
- 52.247-9 Agreed Weight—General Freight
- 52.247-12 Supervision, Labor, or Materials
- 52.247-14 Contractor Responsibility for Receipt of Shipment
- 52.247-16 Contractor Responsibility for Returning Undelivered Freight
- 52.247-20 Estimated Quantities or Weights for Evaluation of Offers
- 52.247-24 Advance Notification by the Government
- 52.247-25 Government-Furnished Equipment With or Without Operators
- 52.247-26 Government Direction and Marking
- 52.247-27 Contract Not Affected by Oral Agreement
- 52.247-28 Contractor's Invoices
- 52.247-40 Ex Dock, Pier, or Warehouse, Port of Importation
- 52.247-41 C.& f. Destination

- 52.247-42 C.i.f. Destination
- 52.247-43 F.o.b. Designated Air Carrier's Terminal, Point of Exportation
- 52.247-44 F.o.b. Designated Air Carrier's Terminal, Point of Importation
- 52.247-45 F.o.b. Origin and/or F.o.b. Destination Evaluation
- 52.247-46 Shipping Point(s) Used in Evaluation of F.o.b. Origin Offers
- 52.247-47 Evaluation—F.o.b. Origin
- 52.247-49 Destination Unknown
- 52.247-50 No Evaluation of Transportation Costs
- 52.247-51 Evaluation of Export Offers
- 52.247-55 F.o.b. Point for Delivery of Government-Furnished Property
- 52.247-57 Transportation Transit Privilege Credits
- 52.247-59 F.o.b. Origin—Carload and Truckload Shipments
- 52.247-60 Guaranteed Shipping Characteristics
- 52.247-61 F.o.b. Origin—Minimum Size of Shipments
- 52.247-62 Specific Quantities Unknown
- 52.247-65 F.o.b. Origin, Prepaid Freight—Small Package Shipments
- 52.247-66 Returnable Cylinders

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

- 52.247-52 Clearance and Documentation Requirements— Shipments to DOD Air or Water Terminal Transshipment Points
- 52.247-64 Preference for Privately Owned U.S.-Flag Commercial Vessels

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

D. For any solicitation or contract using deviated 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.”

### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 48**

### **Background**

FAR Part 48, Value Engineering, has been updated to be more direct, active, and accessible. The model deviation text removes nearly 3,000 words (70%) from the current language.

Statutory and executive requirements retained in the FAR Part 48 model deviation include, but may not be limited to, the following:

- 41 U.S.C. § 1711, Value Engineering
- OMB Circular A-131, Value Engineering

### **Required Actions**

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

### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 49**

### **Background**

FAR Part 49, Termination of Contracts, has been updated for clarity and usability.

Statutory requirements retained in the FAR Part 49 deviation include, but are not limited to, the following:

- 31 U.S.C. § 3729, False Claims
- 41 U.S.C. §§ 7101 et seq (Pub. L. 95-563), The Contract Disputes Act of 1978

### **Required Actions**

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

### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 50**

### **Background**

FAR part 50, Extraordinary Contractual Actions and the SAFETY Act, has been updated for clarity and practical use.

Statutory requirements and presidential directives retained in the RFO FAR part 50 model deviation include, but may not be limited to, the following:

- 50 U.S.C. § 1431 et seq, National Defense Contracts
- 6 U.S.C. § 441 eq seq, Support Anti-Terrorism by Fostering Effective Technologies
- E.O. 10789, Contracting Authority in Connection With National-Defense Functions

### **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 use the following revised clause:
  - 52.250-5, SAFETY Act—Equitable Adjustment
- B. For open solicitations or awarded contracts, the Contracting Officer has discretion regarding the need to enforce or amend this clause.

### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

## **FAR Part 51**

### **Background**

FAR part 51, Use of Government Sources By Contractors, is removed in its entirety. All statutory text and essential text retained to support sound procurement will be moved to FAR part 8.

### **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:

- 52.251-1, Government Supply Sources
- 52.251-2, Interagency Fleet Management System Vehicles and Related Services

B. 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 January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

### **FAR Part 52**

#### **Background**

FAR Part 52, Solicitation Provisions and Contract Clauses, has been updated as corresponding FAR Parts have been updated.

#### **Required Actions**

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

#### **Effective Date**

This deviation shall be effective January 15, 2026, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

### **FAR Part 53**

#### **Background**

FAR part 53, Forms, has been streamlined and modernized. Most significantly, rather than maintaining a list of forms within the part text, it directs users to a centralized site (<https://acquisition.gov/FARforms>) as the authoritative repository for all acquisition related forms. As a result, this part no longer needs to be amended through the formal rulemaking process every time a form is updated, added, or removed. This drastically reduces the administrative burden on the FAR Council and increases the government's agility in managing its library of forms. The "Forms List" referenced in the new 53.101(b) now performs the prescriptive function previously handled throughout this entire subpart, shifting the FAR's role from a static, self-contained text to a dynamic system that points to live, authoritative resources.

**Required Actions**

Upon effective date contracting officers shall comply with the deviated FAR text found in Attachment A and should reference the table at <https://acquisition.gov/FARforms> to review retained forms and their citations for prescribed use throughout the FAR.

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

- 52.253-1 Computer Generated Forms

A. 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 January 15, 2026, 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](mailto:OAM_Mailbox@doc.gov).

Attachment A – FAR Deviation Text