



PROCUREMENT MEMORANDUM 2025-03

ACTION

MEMORANDUM FOR: Senior Bureau Procurement Officials

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

SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation Regarding
Executive Orders 14148 and 14208

Background

Section 2 of Executive Order 14148, *Initial Recissions of Harmful Executive Orders and Actions*, issued on January 20, 2025, revoked Executive Order 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*.

Section 2 of Executive Order 14208, *Ending Procurement and Forced Use of Paper Straws*, issued February 10, 2025, directs agencies to take appropriate action to eliminate policies designed to disfavor plastic straws.

In advancement of Section 2 of Executive Order 14208, the removal of requirements related to Executive Order 14057 eliminates all non-statutory sustainability requirements or preferences in purchases of food service wares, including paper straws.

Purpose

This class deviation is issued in accordance with FAR 1.404 and pursuant to Civilian Agency Acquisition Council (CAAC) Letter 2025-02 Supplement 1 to provide contracting officers with revised FAR language, clauses, prescriptions, and alternates to accommodate Executive Orders 14148 and 14208. In addition, recent updates to Code of Federal Regulation citations for the U.S. Department of Agriculture's BioPreferred® Program, a statutory purchasing preference program, are incorporated.

Required Actions

Effective immediately, contracting officers shall comply with the deviated FAR text found in Attachment A and insert the deviated FAR clauses, provisions, and their alternates in lieu of the existing FAR clauses and provisions.

A. When issuing new solicitations or contracts, contracting officers shall not include the following provisions and clauses:

- 52.204-8 Annual Representations and Certifications (JAN 2025)
- 52.212-3 Offeror Representations and Certifications—Commercial Products and Commercial Services (MAY 2024)
- 52.212-5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Products and Commercial Services (JAN 2025)
- 52.213-4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services) (JAN 2025)
- 52.223-1 Biobased Product Certification (MAY 2024)
- 52.223-2 Reporting of Biobased Products Under Service and Construction Contracts (MAY 2024)
- 52.223-10 Waste Reduction Program (MAY 2024)
- 52.223-19, Compliance with Environmental Management Systems (MAY 2011)
- 52.223-22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation (DEC 2016)
- 52.223-23, Sustainable Products and Services (MAY 2024)

i. Any open solicitations that contain any of the provisions or clauses listed above shall be amended to remove the provisions and clauses.

i. Contracting officers are strongly encouraged to amend existing contracts to remove any of the provisions or clauses listed above as soon as practicable and are required to remove them when extending, renewing, or exercising an option on an existing contract.

B. When issuing new solicitations or contracts, contracting officers shall include the following provision and clause deviations, which are provided in the attachment, if applicable.

- 52.204-8 Annual Representations and Certifications (JAN 2025) (DEVIATION FEB 2025)
- 52.212-3 Offeror Representations and Certifications—Commercial Products and Commercial Services (MAY 2024) (DEVIATION FEB 2025)
- 52.212-5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Products and Commercial Services (JAN 2025) (DEVIATION FEB 2025)
- 52.213-4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services) (JAN 2025) (DEVIATION FEB 2025)
- 52.223-1 Biobased Product Certification (MAY 2024) (DEVIATION FEB 2025)

- 52.223-2 Reporting of Biobased Products Under Service and Construction Contracts (MAY 2024) (DEVIATION FEB 2025)
 - 52.223-10 Waste Reduction Program (MAY 2024) (DEVIATION FEB 2025)
 - 52.223-23, Sustainable Products and Services (MAY 2024 (DEVIATION FEB 2025))
- i. Any open solicitations shall be amended to include these required provisions and clauses.
- ii. Contracting officers are strongly encouraged to amend existing contracts to include these required provisions and clauses as soon as practicable and are required to include them in existing contracts when extending, renewing, or exercising an option on an existing contract, as applicable.
- C. 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 agency solicitations, including 52.223-22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation, and paragraph (t) of 52.212-3, Offeror Representations and Certifications—Commercial Products and Commercial Services. Contracting officers shall not consider or use these representations. Entities are not required to, nor are they able to, update their entity registration to remove these representations in SAM.

Effective Date

This deviation is effective immediately, and remains in effect until rescinded or incorporated into the FAR.

Questions

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

Attachment A – FAR Deviation Text