



BUREAU OF ADMINISTRATION

Global Acquisition

Acquisition Alert 25-11

TO: All Contracting Activities

FROM: Michael W. Derrios
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SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation Regarding Executive Order (EO) 14148, *Initial Rescissions of Harmful Executive Orders and Actions*, and Section 2 of EO 14208, *Ending Procurement and Forced Use of Paper Straws*

1. Introduction: The purpose of this Acquisition Alert is to issue, under the authority of FAR 1.404, a FAR Class Deviation to address changes required by the subject EOs.

2. Background: EO 14148, *Initial Rescissions of Harmful Executive Orders and Actions*, revoked EO 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*. Several FAR provisions enforcing EO 14057 are no longer congruent with the President's priorities. In addition, EO 14208, *Ending Procurement and Forced Use of Paper Straws* directs agencies to take appropriate action to eliminate policies designed to disfavor plastic straws. As a result, Civilian Agency Acquisition Council (CAAC) Letter 2025-02 Supplement 1 was issued on February 18, 2025, as a Consultation to agencies with instructions to issue class deviations accordingly.

Furthermore, 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,

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including paper straws. In addition to removing requirements related to Executive Order 14057, the attachment also reflects recent updates to Code of Federal Regulation citations for the U.S. Department of Agriculture's BioPreferred® Program, a statutory purchasing preference program.

3. Acquisition Impact: The changes resulting from this class deviation affect all contracts (see definition in FAR 2.101), regardless of dollar value.

4. Action Required: Contracting Officers shall take the following steps to implement this class deviation.

a. **When issuing new solicitations or contracts, do 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)

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

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b. **When issuing new solicitations or contracts**, include the following provisions and clauses in full text, 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))

Any open solicitations should be amended to include these required provisions and clauses provided in the attachment.

When issuing new solicitations, include the following notice:

“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. Agencies will not consider or use these representations. Entities are

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not required to, nor are they able to, update their entity registration to remove these representations in SAM.”

c. **For existing contracts** -

- i. For existing contracts with remaining periods of performance of six months or more, modify the contract to implement the changes prior to the next option period or during the next modification that arises, unless paper straws are to be delivered. In such cases, an immediate modification is required to prevent future deliveries of paper straws.
- ii. For existing contracts with less than six months remaining, no action is required unless paper straws are to be delivered. In such cases, an immediate modification is required to prevent future deliveries of paper straws.

5. Effective Date: While this Acquisition Alert is effective upon issuance, the Executive Orders took effect on January 22 and February 10, 2025, respectively.

6. Expiration Date: This Acquisition Alert expires upon incorporation into the FAR.

7. Additional Information: Questions regarding this Acquisition Alert may be directed to AcquisitionPolicy@state.gov.

8. Attachments: [FAR Deviated Clauses Text](#)

9. Referenced Documents, Checklists, Guides and Templates:
[CAAC Letter 2025-02 Supplement 1](#)

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