



**U.S. COMMODITY FUTURES TRADING COMMISSION**  
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[www.cftc.gov](http://www.cftc.gov)

## **CFTC Class Deviation RFO-2025-11**

**TO:** CFTC's Procurement Office

**FROM:** William M. Roberson, Senior Procurement Executive

**DATE:** June 24, 2025

**SUBJECT:** FAR Class Deviation for FAR Part 11 in Support of Executive Order 14275, Restoring Common Sense to Federal Procurement.

1. **Purpose:** This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) part 11 for purposes of implementing the FAR Council's model deviation to FAR part 11.
2. **Background:** [Executive Order \(E.O.\) 14275, Restoring Common Sense to Federal Procurement](#), signed April 15, 2025, mandates a comprehensive review and simplification of the Federal Acquisition Regulation.

The FAR is being updated to:

- Eliminate non-statutory language
- Remove redundant or obsolete language
- Enhance clarity through plain language
- Align with the new FAR framework
- Preserve essential governmentwide acquisition standards

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

3. **Summary of Changes:** 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 RFO 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

Change	Description
<b>Retained</b>	<ul style="list-style-type: none"> <li>• <b>Definitions</b> specific to part 11 for <i>Reconditioned</i> and <i>Remanufactured</i>.</li> <li>• Using market research to <b>promote full and open competition</b>.</li> <li>• Encouraging <b>commercial products and commercial services</b> to the maximum extent practicable.</li> <li>• Procedures and corresponding clauses related to <b>liquidated damages</b>.</li> <li>• Requirements related to the Defense Priorities and Allocations System (DPAS), a Department of Commerce regulation in <b>support of approved national defense, emergency preparedness, and energy programs</b>.</li> <li>• <b>Retained clauses and provisions to this part include:</b> <ul style="list-style-type: none"> <li>○ 52.211-5, Material Requirements</li> <li>○ 52.211-11, Liquidated Damages—Supplies, Services, or Research and Development</li> <li>○ 52.211-12, Liquidated Damages—Construction</li> <li>○ 52.211-13, Time Extensions</li> <li>○ 52.211-14, Notice of Priority Rating for National Defense, Emergency Preparedness, and Energy Program Use</li> <li>○ 52.211-15, Defense Priority and Allocation Requirements</li> </ul> </li> </ul>
<b>Removed</b>	<ul style="list-style-type: none"> <li>• Requirements related to identification and availability of specifications.</li> <li>• <b>Prescriptive procedures</b>, such as: <ul style="list-style-type: none"> <li>○ Requirements to include ecolabels in specifications based on information in the Green Procurement Compilation.</li> <li>○ Requirements for brand name or equal purchase descriptions.</li> </ul> </li> <li>• Twelve (12) clauses and provisions are removed: <ul style="list-style-type: none"> <li>○ The following provisions related to the <b>availability of Federal specifications</b>, applicable to GSA and DOD standard indices: <ul style="list-style-type: none"> <li>▪ 52.211-1, Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29</li> <li>▪ 52.211-2, Availability of Defense Specifications, Standards, and Data Item Descriptions in the Acquisition Streamlining and Standardization Information System (ASSIST) Website</li> <li>▪ 52.211-3, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>▪ 52.211-4, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions</li> <li>○ The following provisions related to <b>brand name or equal procurements</b>: <ul style="list-style-type: none"> <li>▪ 52.211-6, Brand Name or Equal</li> <li>▪ 52.211-7, Alternatives to Government-Unique Standards</li> </ul> </li> <li>○ The following clauses related to <b>delivery schedules for the contract</b>: <ul style="list-style-type: none"> <li>▪ 52.211-8, Time of Delivery</li> <li>▪ 52.211-9, Desired and Required Time of Delivery</li> <li>▪ 52.211-10, Commencement, Prosecution, and Completion of Work (for construction contracts only)</li> </ul> </li> <li>○ The following clauses that address <b>variations from firm fixed price contracts</b>: <ul style="list-style-type: none"> <li>▪ 52.211-16, Variation in Quantity</li> <li>▪ 52.211-17, Delivery of Excess Quantities</li> <li>▪ 52.211-18, Variation in Estimated Quantity</li> </ul> </li> </ul>
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This table is not an exhaustive list.

#### 4. Instructions:

- The CFTC acquisition workforce shall follow the RFO part 11 model deviation text instead of FAR part 11 as codified at 48 CFR chapter 1. The Council's RFO part 11 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul), and is incorporated into this class deviation.
- Do not include any of the removed provisions or clauses in future solicitations and contracts. For open solicitations or awarded contracts, the contracting officer has discretion regarding the need to enforce or amend the provisions or clauses. Note that without some of the removed provisions or clauses, the contracting officer may be required to separately address certain aspects in the contract.
  - For example, without contract clauses addressing variations from firm-fixed price contracts, contracting officers should consider other ways to protect the Government by addressing variations during the contract's performance.
- Requirements for establishing delivery or performance schedules are being moved to the FAR Companion Guide. This move allows acquisition teams greater flexibility and discretion to consider techniques which are most appropriate to their acquisition. To enforce the remaining liquidated damages clauses, it is helpful to ensure a delivery schedule is clearly identified.
- Review templates and related standard operating procedures to align with this deviation and remove unnecessary processes or steps.

5. **Applicability:** This class deviation applies to all CFTC procurements.

6. **Authority:** This class deviation is issued under the authority of [E.O. 14275](#), [OMB Memo M-25-26](#), 48 CFR 1.4, and RFO FAR 1.304.
7. **Effective Date:** This class deviation is effective as dated and shall remain in effect until it is incorporated into the FAR or until this class deviation is otherwise rescinded.
8. **Point of Contact:** Questions regarding this class deviation may be directed to CFTC's Senior Procurement Executive, William M. Roberson, at [wroberson@cftc.gov](mailto:wroberson@cftc.gov).

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