



**Homeland
Security**

MEMORANDUM FOR: Heads of Contracting Activities

FROM: Paul Courtney
Chief Procurement Officer

SUBJECT: FAR Class Deviation (Number 25-08) for FAR Part 39 in Support
of Executive Order on Restoring Common Sense to Federal
Procurement

1. **Purpose.** This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) part 39 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 39.
2. **Background.** [Executive Order \(E.O.\) 14275 on 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 clarify 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 Change.** 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:
(1) Acquisition of Information Technology

- To:
 - Acquisition of Information and Communication Technology

Statutory requirements retained in the RFO 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. § 11703, Procurement Procedures
- 29 U.S.C. § 794d, Electronic and Information Technology

Change	Description
Retained	<ul style="list-style-type: none"> • The applicability of part 39 to information technology, Internet of Things devices, and operational technology. Importantly, part 39 clarifies its application to new or emerging technology. • Agencies should continue to use modular contracting for incremental and successive contracts when acquiring IT. • The prohibition on describing minimum experience or educational requirements is now discretionary rather than mandatory. • Accessibility standards, including Section 508 compliance, are still required (with limited exceptions and exemptions) to ensure federal employees and members of the public with disabilities have comparable access and use of information and data. • Information regarding the management of risk has been streamlined. Both the contracting and program office offices are responsible for assessing, monitoring and controlling risk throughout the acquisition process.
Removed	<ul style="list-style-type: none"> • Reference to OMB Circular No's A-127, Financial Management Systems, and A-130, Management of Federal Information Resources. These Circulars may still be applicable for certain procurements and use of them is more appropriate for a guide. • Redundant prohibitions currently covered at FAR subparts 4.20, 4.21, 4.22, 4.23, and FAR part 40 not unique to IT procurements. • Clause 52.239-1, Privacy or Security Safeguards and its prescription.

This table is not an exhaustive list.

4. Instructions.

- DHS contracting officers shall follow the RFO Part 39 model deviation text instead of FAR Part 39 as codified at 48 CFR Chapter 39. The Council's RFO part 39 model deviation text is available at [Acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-39](https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-39), and is incorporated into this class deviation.

- Do not include the 52.239-1, Privacy or Security Safeguards in future solicitations and contracts. For open solicitations or awarded contracts, the contracting officer has discretion regarding the need to enforce or amend the clause.

- 5. Applicability.** This class deviation is applicable to all DHS procurements.
- 6. Authority.** This class deviation is issued under the authority of E.O. 14275, [OMB M-25-26](#), and 48 CFR 1.4, and RFO FAR 1.304.
- 7. Effective Date.** This class deviation is effective immediately and remains in effect until rescinded or incorporated into the FAR.
- 8. Points of Contact.** Questions regarding this class deviation may be directed to Acquisition Policy and Legislation Branch at Acquisition.Policy@hq.dhs.gov.

Attachments:

1. FAR Part 39 Solicitation Provisions and Contract Clauses Revisions

FAR Class Deviation 25-08 for FAR Part 39 in Support of Executive Order on Restoring
Common Sense to Federal Procurement, Attachment 1: FAR Part 39 Solicitation Provisions and
Contract Clauses Revisions

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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Subpart 52.2—Text of Provisions and Clauses

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52.239-1 [Reserved (JUNE 2025) (DEVIATION 25-08)]