



PROCUREMENT MEMORANDUM 2025-13

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 Part 11 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-25-25, "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). On June 18, 2025, the Council released deviated language for FAR Part 11.

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

Purpose

This class deviation is issued in accordance with FAR 1.304 and pursuant to the Council's memo entitled, "Deviation Guidance to Support the Overhaul of the Federal Acquisition Regulation," to provide contracting officers with revised FAR Part 11 language and remove referenced provisions and clauses.

Required Actions

Effective immediately, 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
- i. 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 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