



PROCUREMENT MEMORANDUM 2025-11

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 39 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 12, 2025, the Council released deviated language for FAR Part 39.

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: Acquisition of Information Technology
- To: Acquisition of Information and Communication Technology

Statutory requirements retained in the 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. § 1461, Procurement Procedures
- 29 U.S.C. § 794d, Electronic and Information Technology

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 39 language and remove FAR clause 52.239-1.

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 clause:

- 52.239-1, Privacy or Security Safeguards
 - i. For open solicitations or awarded contracts, the Contracting Officer has discretion regarding the need to enforce or amend the clause.

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