

**CLASS DEVIATION
FINDINGS AND DETERMINATION
FEDERAL ACQUISITION REGULATION (FAR) PART 4 – ADMINISTRATIVE AND
INFORMATION MATTERS**

Findings

1. The objective of this class deviation is to implement the Federal Acquisition Regulatory Council’s model deviation text to the Federal Acquisition Regulation (FAR) Part 4 - Information and Administrative Matters, and applicable sections of FAR Part 52 - Solicitation Provisions and Contract Clauses.
2. On April 15, 2025, President Donald J. Trump issued Executive Order (E.O.) 14275, *Restoring Common Sense to Federal Procurement*. Section 2 of the E.O. established the policy that the FAR “should only contain provisions required by statute or essential to sound procurement, and any FAR provisions that do not advance these objectives should be removed.”
3. On May 2, 2025, the Office of Management and Budget (OMB) issued memorandum M-25-26, *Overhauling the Federal Acquisition Regulation*, initiating a major overhaul of the FAR (Revolutionary FAR Overhaul, or “RFO”), in coordination with the other members of the Federal Acquisition Regulatory Council – i.e., the General Services Administration (GSA), the Department of Defense (DOD), and the National Aeronautics and Space Administration (NASA) and federal buying agencies. The goal is refocusing the FAR on its statutory roots. To that end, 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

The OMB memorandum M-25-26 established a two phased approach to implementing enterprise deregulation as follows: Phase one, FAR Council deviation guidance, and phase two, formal rulemaking. Phase one involves the FAR Council issuing guidance on a rolling basis with clear, plain language model deviation text organized by FAR part. The goal is streamlining the regulation by aligning it more closely to its statutory base. According to the memorandum, agencies should adopt this model deviation text within 30 days by issuing individual or class deviations.

4. On May 2, 2025, the FAR Council issued further implementing guidance in a memorandum titled *Deviation Guidance to Support the Overhaul of the Federal Acquisition Regulation*. Pursuant to the FAR Council’s memorandum, “agencies that adopt the Council’s RFO class deviation text without change, or require different text only to address statutory direction unique to the agency, do not need to coordinate with the Council.”

5. On August 14, 2025, the FAR Council issued model deviation text for FAR Part 4 and the corresponding clauses at FAR Part 52. FAR Part 4 – Administrative and Information Matters has been reorganized within each subpart to follow the acquisition process (i.e., steps to take before solicitation vs. after award). This new structure makes it easier and faster to find needed information at each stage of a procurement. A significant amount of content is also relocated to RFO FAR part 40 to better align with security requirements. Statutory requirements retained in the RFO FAR Part 4 model deviation include, but are not limited to, the following:

- 26 U.S.C. §§ 6041, et seq, Information Concerning Transactions with Other Persons
- 26 U.S.C. § 6109, Identifying Numbers
- 31 U.S.C. § 6303, Using Procurement Contracts
- 31 U.S.C. § 7701, Taxpayer Identifying Number
- 41 U.S.C. § 1122, Functions, Federal Procurement Data System
- 41 U.S.C. § 1712, Record Requirements
- 41 U.S.C. § 2301, Use of Electronic Commerce in Federal Procurement
- 41 U.S.C. § 4706, Examination of Facilities and Records of Contractor
- Pub. L. 109-282, Federal Funding Accountability and Transparency Act of 2006
- Pub. L. 113-101, Digital Accountability and Transparency Act of 2014

Other key changes include, but are not limited to the following:

Retained:

- The revised part structure consolidates relevant guidance into process-oriented subparts:
 - Subpart 4.1 – Presolicitation
 - Subpart 4.2 – Solicitation, Evaluation, and Award
 - Subpart 4.3 – Post-award
- Contents of subparts 4.4 - 4.6 are retained, streamlined, and moved throughout the new subpart structure. Subpart 4.7 “Contractor Records Retention,” is retained and streamlined.
- Contents of subparts 4.8 - 4.23 are either retained, streamlined, and moved throughout the new subpart structure or are moved to RFO FAR part 40.
- Section 4.000 “Scope of Part,” is retained with updates to remove reference to security prohibitions and exclusions. This content is moved to RFO FAR part 40.
- Section 4.001 “Definitions,” is retained and updated. 4.001 now includes definitions of “Executive,” “First-tier subcontract,” “Generic entity identifier,” and “Total compensation”. These terms are consolidated from the former subparts 4.6, 4.14, and 4.17 and now support the post-award reporting requirements in the new subpart 4.3.
- Section 4.002 “Electronic Commerce in Contracting”, is a new section that retains the essential contents of section 4.502(a).

- Section 4.101 “Contract Files,” significantly updates the requirements for contract files. Best practices for contract files are moved to non-regulatory guidance.
- Section 4.201 “Unique Procurement Instrument Identifiers,” is moved from subpart 4.16. The policy regarding the structure and use of PIIDs and supplementary PIIDs is retained and the language is streamlined for clarity.
- Section 4.202 “Uniform Use of Line Items,” is moved from subpart 4.10. The substance of the policy is retained.
- Section 4.203 “System for Award Management,” represents a significant consolidation of policies from subparts 4.11 (System for Award Management) and 4.12 (Representations and Certifications). It streamlines the list of exceptions to the SAM registration requirement and clarifies the contracting officer’s procedures for verifying an offeror’s active registration. In another example of streamlining, the model deviation text removes the list of 33 specific representations and certifications from section 4.1202. Instead, the revised provision at 52.204-7 now contains the authoritative list, moving detailed procedural information into the provision itself.
- Section 4.204 “Taxpayer Identification Information”, consolidates and simplifies the policy from subpart 4.9. It streamlines the text by directly linking the requirement to collect a contractor’s Taxpayer Identification Number (TIN) to one of two mechanisms: the contractor’s SAM registration through the revised 52.204-7, or, for entities not required to register, the submission of the new provision at 52.204-90 “Offeror Identification”.
- Section 4.205 “Personal Identity Verification”, moves and condenses the pre-award policies on Personal Identity Verification (PIV) from subpart 4.13. The post-award requirement concerning the return of PIV cards has been relocated to the new post-award subpart at 4.302.
- Sections 4.206 “Contracting Officer’s Signature” and 4.207 “Contractor’s Signature,” move and update the policies on contract execution from subpart 4.1. A significant modernization is the explicit acceptance of digital signatures for both Government and contractor personnel, provided they use a certificate from a PIV or Common Access Card (CAC). This formally recognizes and standardizes a common business practice in the digital age.
- Section 4.208 “Solicitation Provisions and Contract Clauses,” serves as a consolidated prescription hub for all provisions and clauses related to the solicitation and award phase. It gathers the prescriptions previously scattered across multiple sections (e.g., 4.1105, 4.1303, 4.1403, etc.), providing a single point of reference for readers.
- Section 4.301 “Contract Reporting,” consolidates and streamlines the reporting requirements from subpart 4.6. It governs the requirements for reporting in the Federal Procurement Data System (FPDS).
- Section 4.303 “Service Contracts Inventory,” moves and updates the reporting requirements from subpart 4.17. However, reporting is also no longer required for commercial services contracts.
- Sections 4.304 “System for Award Management” and 4.305 “Contractor Identification,” contain the post-award maintenance requirements for SAM and other contractor identifiers. This content has been moved from section 4.1102(d)

and subpart 4.18. Creating these distinct post-award sections provides a clear separation between the pre-award requirement to register in SAM and the ongoing post-award obligation to maintain that information.

- Section 4.306 “Executive Compensation,” moves the post-award reporting requirement for executive compensation and first-tier subcontracts from subpart 4.14.
- Section 4.307 “Payment Office,” consolidates the various requirements for providing essential information to the payment office (such as TIN, UEI, and EFT) that were embedded within other areas, such as sections 4.203 and 4.902.
- Sections 4.308 “Contract Closeout” and 4.309 “Storage, Handling, and Contract Files,” move and reorganize the content from sections 4.804 and 4.805.
- The following provisions and clauses are retained with no changes:
 - 52.204-5, Women-Owned Business (Other Than Small Business)
 - 52.204-9, Personal Identity Verification of Contractor Personnel
 - 52.204-19, Incorporation by Reference of Representations and Certifications
- The following provisions and clauses are retained with plain language and other edits:
 - 52.204-10, Reporting Executive Compensation and First-Tier Subcontract Awards
 - 52.204-14, Service Contract Reporting Requirements
 - 52.204-15, Service Contract Reporting Requirements for Indefinite-Delivery Contracts
- Several provisions and clauses are consolidated into new provisions and clauses. This consolidation provides significant changes to reflect acquisitions with and without SAM registration, and to reflect pre- and post-award requirements.
 - Updated Provision 52.204-7, System for Award Management–Registration and New Provision 52.204-90, Offeror Identification, consolidate the following provisions:
 - 52.204-3, Taxpayer Identification
 - 52.204-6, Unique Entity Identifier
 - 52.204-8, Annual Representations and Certifications
 - 52.204-16, Commercial and Government Entity Code Reporting
 - 52.204-17, Ownership or Control of Offeror
 - 52.204-20, Predecessor of Offeror
 - Updated Clause 52.204-13, System for Award Management–Maintenance and New Clause 52.204-91, Contractor Identification consolidate the following clauses:
 - 52.204-12, Unique Entity Identifier Maintenance
 - 52.204-18, Commercial and Government Entity Code Maintenance

Removed:

- The model deviation text deletes subpart 4.2 “Contract Distribution”. This subpart, which prescribed procedures for distributing paper copies of contracts, is now obsolete in an acquisition environment dominated by electronic contract writing, signature, and distribution systems. Essential notification requirements,

such as informing the payment office, are now covered in other sections, to include the new 4.307.

- Subparts 4.4, 4.19, 4.20, 4.21, 4.22, and 4.23 are all security-related and are relocated to RFO FAR part 40.
- The following provisions and clauses are removed and incorporated into RFO FAR part 40:
 - 2.204-2 Security Requirements
 - 52.204-21 Basic Safeguarding of Covered Contractor Information Systems
 - 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab Covered Entities
 - 52.204-24, Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment
 - 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment
 - 52.204-26, Covered Telecommunications Equipment or Services—Representation
 - 52.204-27, Prohibition on a ByteDance Covered Application
 - 52.204-28, Federal Acquisition Supply Chain Security Act Orders—Federal Supply Schedules, Governmentwide Acquisition Contracts, and Multi-Agency Contracts
 - 52.204-29, Federal Acquisition Supply Chain Security Act Orders—Representation and Disclosures
 - 52.204-30, Federal Acquisition Supply Chain Security Act Orders—Prohibition
- The following provisions and clauses are removed as they are obsolete:
 - 52.204-1, Approval of Contract
 - 52.204-22, Alternative Line Item Proposal

Determination

In accordance with FAR 1.304 *Class deviations* and Department of Energy Acquisition Regulation (DEAR) 901.404 *Class deviations*, to fully comply with the requirement of E.O. 14275 and the revised FAR Parts 4 and 52, it is hereby determined that a class deviation is appropriate pursuant to OMB memorandum M-25-26 (Attachment 1) and the FAR Council memorandum (Attachment 2) issued on May 2, 2025, using the RFO model deviation text for Part 4 and the applicable sections of Part 52 (Attachment 3). Specifically, DOE/NNSA will follow the RFO model deviation text for Part 4 in lieu of 48 Code of Federal Regulations (CFR) Part 4, and the RFO model deviation text for the applicable sections of Part 52 in lieu of the corresponding applicable sections of 48 CFR Part 52. Once approved, the Department will share the deviation widely among its workforce to ensure full awareness of and compliance with the revisions to the affected regulations. This class deviation is effective on November 3, 2025, and will remain effective until cancelled or incorporated into the FAR.

Janella Davis

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Attachments:

OMB Memorandum M-25-26, *Overhauling the Federal Acquisition Regulation*
FAR Council Memorandum, *Deviation Guidance to Support the Overhaul of the Federal Acquisition Regulation*
RFO Parts 4 and 52 Model Deviation Text