



## UNITED STATES DEPARTMENT OF EDUCATION

### OFFICE OF FINANCE AND OPERATIONS

December 12, 2025

#### **ACQUISITION ALERT 2026-13**

TO: Heads of Contracting Activities

FROM: Christopher J. Rosier **CHRISTOPHER ROSIER** Digitally signed by CHRISTOPHER ROSIER  
Acting Deputy Assistant Secretary for the Office of Acquisition Management  
Acting Senior Procurement Executive

SUBJECT: FAR Class Deviation for FAR Part 22 in Support of Executive Order 14275, Restoring Common Sense to Federal Procurement.

- 1. Purpose.** This Acquisition Alert (AA) adopts a class deviation to Federal Acquisition Regulation (FAR) Part 22 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 22.
- 2. Background.** On April 15, 2025, the Executive Order (E.O.) 14275 on Restoring Common Sense to Federal Procurement was signed. Section 2 of the E.O. establishes 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." On May 31, 2025, the enclosed class deviation was issued for the use of all Revolutionary FAR Overhaul (RFO) model deviation texts and corresponding EDAR deviations.
- 3. Summary of Changes.** FAR Part 22, Application of Labor Laws to Government Acquisitions, is restructured to align with the stages of the acquisition lifecycle. This reorganization will help acquisition teams apply the labor requirements during the correct stage of the procurement. The part is now shorter, with many sections combined to remove redundancy and duplicative language.

Importantly, the fundamental protections for workers remain the same. For example, contractors are still required to:

- Pay the correct prevailing wages for construction and service work
- Provide safe and sanitary working conditions
- Ensure equal opportunity for veterans
- Pay overtime correctly

Subpart 22.11, "**Professional Employee Compensation**" was not based on statute.

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

This part, and the provision in 52.222-46, “Evaluation of Compensations for Professional Employees” has been removed.

The model deviation text for this part does not cover the rescission of Executive Order (E.O.) 14026, addressing minimum wage for federal contractors, made by E.O. 14236. For information on the rescission of E.O. 14026, see the Department of Labor's website at <https://www.dol.gov/agencies/whd/government-contracts/eo14026>.

Statutory requirements and presidential directives retained in the RFO FAR Part 22 model deviation include, but may not be limited to, the following:

- 8 U.S.C. § 1324a, Unlawful Employment of Aliens
- 18 U.S.C. § 874, Kickbacks from Public Works Employees
- 22 U.S.C. §§ 7101 et seq, Trafficking Victims Protection
- 29 U.S.C. §§ 201 et seq, Fair Labor Standards
- 29 U.S.C. § 793, Employment Under Federal Contracts
- 38 U.S.C. § 4212, Veterans’ Employment Emphasis Under Federal Contracts
- 40 U.S.C. §§ 3141 et seq, Wage Rate Requirements
- 40 U.S.C. §§ 3701 et seq, Contract Work Hours and Safety Standards
- 41 U.S.C. § 6502, Required Contract Terms
- 41 U.S.C. §§ 6701 et seq, Service Contract Labor Standards
- E.O. 11755, Relating to Prison Labor, as amended by E.O.s 12608 and 12943
- E.O. 13126, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor
- E.O. 13496, Notification of Employee Rights Under Federal Labor Laws
- E.O. 13706, Establishing Paid Sick Leave for Federal Contractors
- E.O. 14063, Use of Project Labor Agreements for Federal Construction Projects

Change	Description
<b>Retained</b>	<ul style="list-style-type: none"><li>• Subpart 22.7 remains reserved.</li><li>• Subpart 22.12 remains reserved.</li><li>• Subpart 22.20 remains reserved.</li><li>• Numerous <b>provisions and clauses</b> are retained (or remain reserved) with no changes. For readability of this document, all retained provisions and clauses are not listed. <b>Updated and deleted</b> provisions and clauses <b>are listed below</b>.</li></ul>

<b>Moved / Updated</b>	<ul style="list-style-type: none"> <li>• Section 22.001, “<b>Definitions</b>”, is updated to centralize definitions that were previously scattered throughout the part, make conforming edits to existing definitions to reflect the new part structure, and make other updates to modernize or streamline the definitions as appropriate. <ul style="list-style-type: none"> <li>◦ The definition of “<b>Administrator</b>” is revised to remove the full mailing address.</li> <li>◦ The definition of “<b>Normal workweek</b>” is relocated from the former subsection 22.103-1.</li> <li>◦ The definition of “<b>Secretary</b>” is relocated from section 22.1601 in order to standardize the term’s usage throughout the part.</li> <li>◦ The definition of “<b>Service contract</b>” is updated to align the citations with the changes made to the part.</li> </ul> </li> <li>• <b>All subparts</b>, unless otherwise noted, are updated and restructured. Content from former sections has been <b>consolidated and relocated</b> into new sections that reflect <b>the acquisition lifecycle (e.g., Presolicitation, Evaluation and Award, Postaward)</b>.</li> <li>• Subsection 22.201-1, “General”, streamlines the detailed explanatory text from <b>Executive Order 11755</b>, which was quoted at length in the former 22.201. The section now simply states that the Executive Order “does not prohibit the contractor... from employing certain persons as stated in paragraph (b) of the clause at 52.222-3, Convict Labor”. This change streamlines the regulation by relying on the text of the contract clause itself to provide the specific requirements, rather than repeating them in the FAR text.</li> <li>• Section 22.401, “Definitions”, revises and harmonizes the definition of “<b>Laborers or mechanics</b>” with the definition used in Subpart 22.3. The updated definition in this section explicitly includes “firefighters, fireguards, and workmen who perform services in connection with dredging or rock excavation in rivers or harbors” and excludes “any employee employed as a seaman”. This creates greater consistency across related subparts.</li> <li>• Paragraph (d) under subsection 22.402-3, “Construction Wage Rate Requirements Statute” retains the direction (previously at 22.404-2(c)(5)) for contracting officers to <b>seek assistance from the Administrator of the Wage and</b></li> </ul>
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	<p><b>Hour Division</b> in cases of doubt as to the proper application of wage rate schedules. The detailed guidance for selecting the proper schedule of wage rates (e.g., Building, Residential, Highway, Heavy) has been removed.</p> <ul style="list-style-type: none"> <li>• Section 22.1303, “Evaluation and Award”, under subpart 22.13, <b>“Equal Opportunity for Veterans”</b>, removes the option to contact VETS-4212 customer support (previously at 22.1304(b)) to verify if a proposed contractor is current with its VETS-4212 Report. Now, contracting officers must query the <b>VETS-4212 database</b>.</li> <li>• The following <b>provisions and clauses</b> are updated for clarity, to mirror updates made throughout the part, and/or to update cross-references or remove outdated content: <ul style="list-style-type: none"> <li>○ 52.222-4 (Clause), Contract Work Hours and Safety Standards—Overtime Compensation</li> <li>○ 52.222-6 (Clause), Construction Wage Rate Requirements</li> <li>○ 52.222-11 (Clause), Subcontracts (Labor Standards)</li> <li>○ 52.222-19 (Clause), Child Labor—Cooperation with Authorities and Remedies</li> <li>○ 52.222-20 (Clause), Contracts for Materials, Supplies, Articles, and Equipment</li> <li>○ 52.222-35 (Clause), Equal Opportunity for Veterans</li> <li>○ 52.222-36 (Clause), Equal Opportunity for Workers with Disabilities</li> <li>○ 52.222-37 (Clause), Employment Reports on Veterans</li> <li>○ 52.222-48 (Provision), Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Certification</li> <li>○ Alternate I to 52.222-50 (Clause), Combating Trafficking in Persons</li> <li>○ 52.222-52 (Provision), Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Certification</li> <li>○ 52.222-53 (Clause), Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements</li> <li>○ 52.222-54 (Clause), Employment Eligibility Verification</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>• The <b>FAR Companion</b> is expected to include best practices and guidance on the following: <ul style="list-style-type: none"> <li>○ Definitions not included in the deviated text</li> <li>○ Department of Labor regulations involving construction</li> <li>○ Construction Wage Rate Requirements statute wage determinations</li> <li>○ Types of wage determinations</li> <li>○ Wage determinations, general requirements</li> <li>○ Notification of improper wage determination before award</li> <li>○ Examinations of payrolls and payroll statements</li> <li>○ Disposition of disputes concerning construction contract labor standards enforcement</li> <li>○ Requirement to obtain wage determinations</li> <li>○ Administrative limitations, variations, tolerances, and exemptions</li> <li>○ Examples of contracts covered by the Service Contract Labor Standards statute</li> <li>○ Repair distinguished from remanufacturing of equipment</li> <li>○ Department of Labor responsibilities and regulations</li> <li>○ Obtaining wage determinations</li> <li>○ Successorship with incumbent contractor collective bargaining agreement</li> <li>○ All possible places of performance not identified</li> </ul> </li> </ul>
<b>Removed</b>	<ul style="list-style-type: none"> <li>• The definitions of “Wage and Hour Division” and “Wage Determination” formerly at section 22.1001, are removed and expected to be included in the FAR Companion.</li> <li>• Subpart 22.8, “<b>Equal Employment Opportunity</b>”, is removed and marked reserved to comply with E.O. 14173, <i>Ending Illegal Discrimination and Restoring Merit-Based Opportunity</i>.</li> <li>• Subpart 22.11, “<b>Professional Employee Compensation</b>” is removed and marked reserved. This subpart was not based on statute.</li> <li>• The following <b>provisions and clauses</b> are removed and marked reserved to comply with E.O. 14173 or because they are not required by statute or essential to sound procurement:</li> </ul>

	<ul style="list-style-type: none"> <li>○ 52.222-21 (Clause), Prohibition of segregated facilities</li> <li>○ 52.222-22 (Provision), Previous Contracts and Compliance Reports</li> <li>○ 52.222-23 (Provision), Notice of Requirement for Affirmative Action To Ensure Equal Employment Opportunity for Construction</li> <li>○ 52.222-24 (Provision), Preaward On-Site Equal Opportunity Compliance Evaluation</li> <li>○ 52.222-25 (Provision), Affirmative Action Compliance</li> <li>○ 52.222-26 (Clause), Equal Opportunity</li> <li>○ 52.222-27 (Clause), Affirmative Action Compliance Requirements for Construction</li> <li>○ 52.222-29 (Clause), Notification of Visa Denial</li> <li>○ 52.222-38 (Provision), Compliance with Veterans' Employment Reporting Requirements</li> <li>○ 52.222-46 (Provision), Evaluation of Compensation for Professional Employees</li> </ul>
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#### 4. Instructions.

- The Department of Education's acquisition workforce shall follow the RFO Part 22 and corresponding Part 52 deviation text instead of FAR Parts 22 and 52 as codified at 48 CFR Chapter 1. The Council's RFO Part 22 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-22> and is incorporated into this class deviation. A separate Acquisition Alert will be issued for any corresponding changes to EDAR part 3422.
- For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-52>.
- 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.
- Review templates and related standard operating procedures to align with this deviation and remove unnecessary processes and steps.

5. **Training.** Acquisition Professionals are highly encouraged to complete “Practitioner Album: FAR Part 22 – Application of Labor Laws to Government Acquisitions” at [https://www.acquisition.gov/sites/default/files/practitioner\\_albums/far-part-22-application-of-labor-laws-to-government-acquisitions/content/index.html](https://www.acquisition.gov/sites/default/files/practitioner_albums/far-part-22-application-of-labor-laws-to-government-acquisitions/content/index.html) within 30 days. Please complete the Practitioner Album and mark “yes” under the completion attestation within FAI CSOD.
6. **Effective Date.** This class deviation to FAR Part 22 is effective January 30, 2026, and remains in effect until rescinded or incorporated into the FAR.
7. **Points of Contact.** Direct questions regarding this class deviation to your respective policy points of contact.
8. **Enclosure.** Determination and Findings - Class Deviation for the Revolutionary FAR Overhaul

## DETERMINATION AND FINDINGS

Department of Education, All Contracting Activities  
Class Deviation for the Revolutionary FAR Overhaul

This approves a class deviation to all Federal Acquisition Regulation (FAR) and Department of Education Acquisition Regulation (EDAR) parts for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text.

### Findings

On April 15, 2025, the Executive Order (E.O.) 14275 on Restoring Common Sense to Federal Procurement was signed. Section 2 of the E.O. establishes 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."

The FAR is being updated to:

- Remove language that is not required by statute
- Remove duplicative or outdated language
- Clarify or provide more plain language
- Revise language for the new FAR framework
- Retain language necessary for governmentwide acquisition standards

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative.

In explaining the Federal Acquisition System, the RFO FAR Part deviation text establishes bedrock principles. Most centrally, it sets a "mission first" message at the top of the guiding principles. The RFO model deviation also increases the emphasis on the best use of taxpayer dollars and calls out the value of time as another guiding principle. Additionally, it retains a focus on satisfying the customer, maximizing use of commercial products and services, promoting competition, and encouraging innovation.

The FAR Council Deviation guidance allows for agencies to deviate agency acquisition regulation supplements as it relates to the RFO.

### Determination

In accordance with FAR 1.404 and EDAR 3401.404, I hereby issue a class deviation for the use of all RFO model deviation texts and corresponding EDAR deviations. The adoption date for each RFO part model deviation text will be the date of the corresponding Acquisition Alert. EDAR deviation texts may be issued in a separate Acquisition Alert. All Department of Education contracting activities must follow the RFO model deviation texts instead of the FAR Parts codified at 48 CFR. Should the language of the RFO FAR contradict any statutorily granted procurement authorities to the Department of Education including the Office of Federal Student Aid, the statutorily granted authorities prevail.

In the unlikely event that the Department wishes to vary from a RFO model deviation text, a separate deviation will be issued. This class deviation will remain in effect until incorporated into the FAR, EDAR or rescinded.

**RICHARD LUCAS**  Digitally signed by RICHARD LUCAS  
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Richard Lucas

Acting Chief Acquisition Officer (CAO)

Date