



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF FINANCE AND OPERATIONS

July 7, 2025

ACQUISITION ALERT 2025-11

TO: Heads of Contracting Activities

FROM: Calvin J. Mitchell Jr. Digitally signed by Calvin J Mitchell Jr.
Date: 2025.07.07 16:06:03 -04'00'
Deputy Assistant Secretary for the Office of Acquisition Management
Senior Procurement Executive

SUBJECT: FAR Class Deviation for FAR Part 39 in Support of Executive Order on Restoring Common Sense to Federal Procurement

- Purpose.** This Acquisition Alert (AA) adopts 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.
- 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.
- Summary of Changes.** 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 RFO FAR Part 39 model deviation include, but are not limited to, the following:

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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.

- 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

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.

- The Department of Education's acquisition workforce shall follow the RFO Part 39 model deviation text instead of FAR Part 39 as codified at 48 CFR Chapter 1. The Council's RFO Part 39 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul->

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[part-39](#) and is incorporated into this class deviation. A separate Acquisition Alert will be issued for any corresponding changes to the EDAR.

- Do not include the following clause 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.
 - 52.239-1, Privacy or Security Safeguards
- 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 RFO “Practitioner Album: FAR Part 39” at https://www.acquisition.gov/sites/default/files/practitioner_albums/far-part-39-information-communication/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 39 is effective immediately 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.

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Date: 2025.05.31 08:30:12 -04'00'

Richard Lucas

Date

Acting Chief Acquisition Officer (CAO)