



## OFFICE OF FINANCE AND ADMINISTRATION

WASHINGTON, D.C. 20460

### MEMORANDUM

**SUBJECT:** Environmental Protection Agency (EPA) Interim Policy Notice (IPN) 25-29, Federal Acquisition Regulation (FAR) Class Deviation, RFO-2025-44 for FAR Part 44 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

**FROM:** Stefan Martiyan  
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Office of the Chief Procurement Officer

**TO:** EPA Acquisition Community

1. Purpose. This IPN approves a class deviation to the FAR for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 44.

2. Background. [Executive Order \(E.O.\) 14275 on Restoring Common Sense to Federal Procurement](#) signed April 15, 2025, mandates a comprehensive review and simplification of the FAR.

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

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

3. Summary of Changes. FAR Part 44, Subcontracting Policies and Procedures, has been updated to create a more agile, risk-based, and efficient system that empowers contracting officers, reduces administrative burdens on contractors, and encourages broader participation from the commercial sector.

Statutory requirements retained in the RFO FAR Part 44 model deviation include, but may not be limited to, the following:

- 10 U.S.C. § 3322(c) and 41 U.S.C. § 3905(c), Advance Notice of Certain Subcontracts
- 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services

Change	Description
Retained	<ul style="list-style-type: none"> <li>• The revised part structure consolidates relevant guidance into process-oriented subparts: <ul style="list-style-type: none"> <li>○ Subpart 44.1 – Reserved</li> <li>○ Subpart 44.2 - Evaluation and Award</li> <li>○ Subpart 44.3 – Postaward</li> <li>○ Subpart 44.4 - Subcontracts for Commercial Products and Commercial Services</li> </ul> </li> <li>• Most of the “Definitions”, now at section 44.001 are retained with only minor, non-substantive wording changes, with the exception of “approved purchasing system.” This definition can still be found at clause 52.244-2.</li> <li>• Subpart 44.2 has been significantly streamlined to consolidate policies related to subcontract consent, advance notification, and the contracting officer's evaluation process. <ul style="list-style-type: none"> <li>○ The previous section 44.202-2(a) contained a detailed, 13-point checklist of considerations that the contracting officer was required to consider "at a minimum" for every consent request. Now, the new 44.201-3(b) provides a shorter, higher-level list of four situations that necessitate "careful and thorough review and consideration" of the request to subcontract. Accordingly, this language, reference, and direction will be updated in the EPA Acquisition Policy (EPAAP) Subsections 44.2.1 &amp; 44.2.2 via a change notice.</li> <li>○ Note that the FAR Companion Guide is expected to provide additional guidance on notice and consent best practices for commercial time and materials contracts.</li> </ul> </li> <li>• Subpart 44.3 is reorganized and streamlined into five subsections (from seven separate sections): <ul style="list-style-type: none"> <li>○ 44.301-1 Objective</li> <li>○ 44.301-2 Requirements</li> <li>○ 44.301-3 Responsibilities for granting, withholding or withdrawing approval</li> <li>○ 44.301-4 Notice</li> <li>○ 44.301-5 Withholding or withdrawing approval</li> </ul> </li> <li>• Section 44.402 now breaks down “Requirements” into three distinct categories that improve readability: <ul style="list-style-type: none"> <li>○ Preference (for commercial products and services)</li> <li>○ Flowdown (rules for flowing down clauses)</li> <li>○ Inapplicable laws (laws that do not apply to commercial products and services)</li> </ul> </li> <li>• The following clauses are retained (or remain reserved if previously reserved) with no changes to the text. <ul style="list-style-type: none"> <li>○ 52.244-1 Reserved</li> <li>○ 52.244-2 Subcontracts</li> <li>○ 52.244-3 Reserved</li> <li>○ 52.244-4 Subcontractors and Outside Associates and Consultants (Architect-Engineer Services)</li> <li>○ 52.244-5 Competition in Subcontracting</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• The following clause is retained, with streamlining updates to reflect other RFO changes and references.           <ul style="list-style-type: none"> <li>○ 52.244-6 Subcontracts for Commercial Products and Commercial Services</li> </ul> </li> </ul>
Removed	<ul style="list-style-type: none"> <li>• The use of Administrative Contracting Officer (ACO) is no longer used as a designation. The part now reflects “Contracting Officer” where ACO was previously shown. EPAAP Subsection 44.2.1 will be updated via a change notice to reflect this change.</li> <li>• The requirements for Contractor Purchasing System Reviews (CPSR) are significantly streamlined to remove overly prescriptive conditions.           <ul style="list-style-type: none"> <li>○ “Extent of Review”, with its 11 special attention areas, is removed (former section 44.303).</li> <li>○ “Reports”, with its distribution requirements, is removed (former section 44.307).</li> </ul> </li> </ul>

\*This table is not an exhaustive list

4. Instructions. The EPA acquisition workforce must follow the RFO Part 44 model deviation text instead of FAR Part 44 as codified at 48 CFR Chapter 1. The Council’s RFO Part 44 model deviation text is available at [Acquisition.gov/far-overhaul](https://Acquisition.gov/far-overhaul) and is incorporated into this class deviation. EPA’s Acquisition policy and regulations will be revised to reflect any necessary EPAAP or EPAAR changes that may be impacted by this FAR deviation. Also,

- For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at RFO FAR 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 address certain aspects in the contract.
- Contracting activities must review templates and related standard operating procedures to align with this class deviation and remove unnecessary processes and steps.

5. Applicability. This class deviation applies to all EPA procurements.

6. Authority. This class deviation is issued under the authority of E.O. 14275, [OMB M-25-26](https://OMB.M-25-26), and 48 CFR 1.4 and RFO FAR 1.304.

7. Effective Date. This class deviation is effective immediately and remains in effect until rescinded or incorporated into the FAR.

8. Points of Contact. Questions regarding this class deviation may be directed to [OMS-ARM-OAS-AcquisitionPolicy@epa.gov](mailto:OMS-ARM-OAS-AcquisitionPolicy@epa.gov).