

Memorandum

TO: Office of Management Services

DATE: January 12, 2026

FROM: Cindy Hennigan
Deputy Managing Director
Office of Managing Director
Senior Procurement Executive

SUBJECT: Class Deviation for Federal Acquisition Regulation Part 11 in Support of Executive Order on Restoring Common Sense to Federal Procurement

1. **Purpose:** To issue a class deviation to Federal Acquisition Regulation (FAR) Part 11 for purposes of implementing the FAR Council's model deviation text to FAR Part 11.

2. **Effective Date:** Immediately.

3. **Expiration Date:** Expires when incorporated into the FAR or is otherwise rescinded.

4. **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."

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- Remove duplicative or outdated language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. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

5. Summary of Changes. FAR Part 11, Describing Agency Needs, has been updated to ensure that requirements are clear, focused on commercial standards, and do not unnecessarily limit competition. Statutory requirements retained in the RFO FAR Part 11 model deviation includes, but are not limited to, the following:

- 41 U.S.C. § 3306(a) and 10 U.S.C. § 3206(a): Planning and Solicitation Requirements

- 41 U.S.C. § 3307 and 10 U.S.C. § 3453: Preference for Commercial Products and Commercial Services
- 15 U.S.C. § 637(d)(4)(F): Requirements related to liquidated damages

Change	Description
Retained	<ul style="list-style-type: none"> • Definitions specific to Part 11 for <i>Reconditioned</i> and <i>Remanufactured</i>. • Using market research to promote full and open competition. • Encouraging commercial products and commercial services to the maximum extent practicable. • Procedures and corresponding clauses related to liquidated damages. • Requirements related to the Defense Priorities and Allocations System (DPAS), a Department of Commerce regulation in support of approved national defense, emergency preparedness, and energy programs. • Retained clauses and provisions to this part include: <ul style="list-style-type: none"> • 52.211-5, Material Requirements • 52.211-11, Liquidated Damages—Supplies, Services, or Research and Development • 52.211-12, Liquidated Damages—Construction • 52.211-13, Time Extensions • 52.211-14, Notice of Priority Rating for National Defense, Emergency Preparedness, and Energy Program Use • 52.211-15, Defense Priority and Allocation Requirements
Removed	<ul style="list-style-type: none"> • Requirements related to identification and availability of specifications. • Prescriptive procedures, such as: <ul style="list-style-type: none"> ■ Requirements to include ecolabels in specifications based on information in the Green Procurement Compilation. ■ Requirements for brand name or equal purchase descriptions. • Twelve (12) clauses and provisions are removed: <ul style="list-style-type: none"> ○ The following provisions related to the availability of Federal specifications, applicable to GSA and DOD standard indices: <ul style="list-style-type: none"> ■ 52.211-1, Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29 ■ 52.211-2, Availability of Defense Specifications, Standards, and Data Item Descriptions in the Acquisition Streamlining and Standardization Information System (ASSIST) Website ■ 52.211-3, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions ■ 52.211-4, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions ○ The following provisions related to brand name or equal procurements: <ul style="list-style-type: none"> ■ 52.211-6, Brand Name or Equal

	<ul style="list-style-type: none"> ■ 52.211-7, Alternatives to Government-Unique Standards ○ The following clauses related to delivery schedules for the contract: <ul style="list-style-type: none"> ■ 52.211-8, Time of Delivery ■ 52.211-9, Desired and Required Time of Delivery ■ 52.211-10, Commencement, Prosecution, and Completion of Work (for construction contracts only) The following clauses that address variations from firm fixed price contracts: <ul style="list-style-type: none"> ■ 52.211-16, Variation in Quantity ■ 52.211-17, Delivery of Excess Quantities ■ 52.211-18, Variation in Estimated Quantity
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This table is not an exhaustive list.

Required Action: The FMC acquisition workforce shall follow the RFO Part 11 model deviation text instead of FAR Part 11 as codified at 48 CFR Chapter 1. The Council's RFO Part 11 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul), and is incorporated into this class deviation.

6. Applicability: This class deviation applies to all FMC procurements.

7. Authority: This deviation is issued under the authority of Executive Order 14275, OMB Memo M-25-26, and 48 CFR 1.4.

8. Point of Contact: If you have any questions please contact Michelle Calhoun, Procurement Analyst (mcalhoun@fmc.gov) or (202) 523-5901.