

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 39 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 39 for purposes of implementing the FAR Council's model deviation text to FAR Part 39.

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 **Expiration Date:** Expires when incorporated into the FAR or is otherwise rescinded.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- Remove duplicative or outdated language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 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 –

Acquisition of Information and Communication Technology from Acquisition of Information Technology

Statutory requirements retained in the RFO FAR Part 39 model deviation include, but are not limited to, the following:

- 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,

Required Action: The FMC 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 [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.