



FAR CLASS DEVIATION 2025-05

MEMORANDUM TO: Heads of the Contracting Activities (HCAs)

FROM: Jennifer D. Johnson *Jennifer Johnson*
Jennifer Johnson (Jul 21, 2025 16:41 EDT)
Acting Deputy Assistant Secretary for Acquisitions and Senior Procurement Executive
Office of Acquisitions (OA)
Office of Assistant Secretary for Financial Resources (ASFR)
Department of Health and Human Services (HHS)

SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation (CD) No. 2025-05 in Support of Executive Order (EO) 14275, "Restoring Common Sense to Federal Procurement;" Deviation to FAR Parts 6, 11, 18, 39, 43, and Applicable Portions of 52.

1. EFFECTIVE DATE:

Immediately upon signature.

2. EXPIRATION DATE:

This CD remains in effect until the changes described herein are incorporated in the FAR, superseded, or otherwise rescinded.

3. PURPOSE:

This FAR CD implements requirements to comply with [EO 14275, Restoring Common Sense to Federal Procurement](#), for the purposes of implementing the Federal Acquisition Regulatory Council's changes to FAR parts 6, 11, 18, 39, 43, and applicable portions of part 52. It also incorporates and adopts the FAR Council's model deviation text to the affected FAR parts.

4. APPLICABILITY:

The requirements in this CD apply to all HHS Operating Divisions and Staff Divisions (OpDivs/StaffDivs) for applicable solicitations, contracts, and orders.

5. ROLES AND RESPONSIBILITIES:

Heads of the Contracting Activities (HCAs) must ensure this CD is disseminated to the acquisition workforce and ensure compliance with the requirements in the CD. Additionally, HCAs must review and update any applicable internal procedures and guidance to reflect the policies and guidance contained herein.

6. BACKGROUND:

On April 15, 2025, EO 14275, *Restoring Common Sense to Federal Procurement*, was signed. Section 2 of the EO 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- Remove duplicative or outdated language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.

On June 12, 2025, the FAR Council issued the RFO model deviation text for FAR parts 18, 39, 43, and applicable portions of part 52. On June 18, the FAR Council issued the RFO model deviation text for FAR part 11 and applicable portions of part 52. On June 27, 2025, the FAR Council issued the RFO model deviation text for FAR part 6.

7. POLICY/GUIDANCE:

Effective immediately, HHS contracting staff must comply with the following:

- A. Follow the RFO FAR parts 6, 11, 18, 39, and 43 deviation text instead of FAR parts 6, 11, 18, 39, and 43 as codified at 48 CFR Chapter 1. The Council’s RFO model deviation texts are available in the [FAR Overhaul](#) section at Acquisition.gov, and are incorporated into this CD.

B. When issuing new solicitations or contracts/orders:

1. **Do not include** any of the following provisions and clauses:

- 52.211-1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29 (Sep 2023)
- 52.211-2 Availability of Defense Specifications, Standards, and Data Item Descriptions in the Acquisition Streamlining and Standardization Information System (ASSIST) website (Sep 2023)
- 52.211-3 Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions (June 1988)
- 52.211-4 Availability for Examination of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions (June 1988)
- 52.211-5 Material Requirements (Aug 2000)

- 52.211-6 Brand Name or Equal (Aug 1999)
- 52.211-7 Alternatives to Government-Unique Standards (Nov 1999)
- 52.211-8 Time of Delivery (June 1997)
- 52.211-9 Desired and Required Time of Delivery (June 1997)
- 52.211-10 Commencement, Prosecution, and Completion of Work (Apr 1984)
- 52.211-16 Variation in Quantity (Apr 1984)
- 52.211-17 Delivery of Excess Quantities (Sept 1989)
- 52.211-18 Variation in Estimated Quantity (Apr 1984)
- 52.239-1 Privacy or Security Safeguards (Aug 1996)
- 52.243-1 Changes-Fixed-Price (Aug 1987)
- 52.243-2 Changes-Cost-Reimbursement (Aug 1987)
- 52.243-3 Changes-Time-and-Materials or Labor-Hours (Sept 2000)
- 52.243-4 Changes (June 2007)
- 52.243-5 Changes and Changed Conditions (Apr 1984)
- 52.243-6 Change Order Accounting (Apr 1984)
- 52.243-7 Notification of Changes (Jan 2017)

2. **Include** the following provisions and clauses, if applicable: (RFO FAR deviation text is available at <https://www.acquisition.gov/far-overhaul>.)

- 52.211-5 Material Requirements (DEVIATION) (RFO JUN 2025)
- 52.211-11 Liquidated Damages-Supplies, Services, or Research and Development (Sept 2000)
- 52.211-12 Liquidated Damages-Construction (Sept 2000)
- 52.211-13 Time Extensions (Sept 2000)
- 52.211-14 Notice of Priority Rating for National Defense, Emergency Preparedness, and Energy Program Use (Apr 2008)
- 52.211-15 Defense Priority and Allocation Requirements (Apr 2008)
- 52.243-1 Changes-Fixed-Price (DEVIATION) (RFO JUN 2025)
- 52.243-2 Changes-Cost-Reimbursement (DEVIATION) (RFO JUN 2025)
- 52.243-3 Changes-Time-and-Materials or Labor-Hours (DEVIATION) (RFO JUN 2025)
- 52.243-4 Changes (DEVIATION) (RFO JUN 2025)
- 52.243-5 Changes and Changed Conditions (DEVIATION) (RFO JUN 2025)
- 52.243-6 Change Order Accounting (DEVIATION) (RFO JUN 2025)
- 52.243-7 Notification of Changes (DEVIATION) (RFO JUN 2025)

C. For open solicitations:

1. Amend the solicitation to remove any of the following provisions and clauses:

- 52.211-1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29 (Sep 2023)
- 52.211-2 Availability of Defense Specifications, Standards, and Data Item Descriptions in the Acquisition Streamlining and Standardization Information System (ASSIST) website (Sep 2023)
- 52.211-3 Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions (June 1988)
- 52.211-4 Availability for Examination of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions (June 1988)
- 52.211-5 Material Requirements (Aug 2000)
- 52.211-6 Brand Name or Equal (Aug 1999)
- 52.211-7 Alternatives to Government-Unique Standards (Nov 1999)
- 52.211-8 Time of Delivery (June 1997)
- 52.211-9 Desired and Required Time of Delivery (June 1997)
- 52.211-10 Commencement, Prosecution, and Completion of Work (Apr 1984)
- 52.211-16 Variation in Quantity (Apr 1984)
- 52.211-17 Delivery of Excess Quantities (Sept 1989)
- 52.211-18 Variation in Estimated Quantity (Apr 1984)
- 52.239-1 Privacy or Security Safeguards (Aug 1996)
- 52.243-1 Changes-Fixed-Price (Aug 1987)
- 52.243-2 Changes-Cost-Reimbursement (Aug 1987)
- 52.243-3 Changes-Time-and-Materials or Labor-Hours (Sept 2000)
- 52.243-4 Changes (June 2007)
- 52.243-5 Changes and Changed Conditions (Apr 1984)
- 52.243-6 Change Order Accounting (Apr 1984)
- 52.243-7 Notification of Changes (Jan 2017)

2. Amend the solicitation to include the following provisions and clauses, if applicable and not already included in the solicitation: (RFO FAR deviation text is available at <https://www.acquisition.gov/far-overhaul>.)

- 52.211-5 Material Requirements (DEVIATION) (RFO JUN 2025)
- 52.211-11 Liquidated Damages-Supplies, Services, or Research and Development (Sept 2000)
- 52.211-12 Liquidated Damages-Construction (Sept 2000)
- 52.211-13 Time Extensions (Sept 2000)
- 52.211-14 Notice of Priority Rating for National Defense, Emergency Preparedness, and Energy Program Use (Apr 2008)
- 52.211-15 Defense Priority and Allocation Requirements (Apr 2008)

- 52.243-1 Changes-Fixed-Price (DEVIATION) (RFO JUN 2025)
- 52.243-2 Changes-Cost-Reimbursement (DEVIATION) (RFO JUN 2025)
- 52.243-3 Changes-Time-and-Materials or Labor-Hours (DEVIATION) (RFO JUN 2025)
- 52.243-4 Changes (DEVIATION) (RFO JUN 2025)
- 52.243-5 Changes and Changed Conditions (DEVIATION) (RFO JUN 2025)
- 52.243-6 Change Order Accounting (DEVIATION) (RFO JUN 2025)
- 52.243-7 Notification of Changes (DEVIATION) (RFO JUN 2025)

D. For existing contracts and orders:

1. At the next available opportunity, modify the contract/order to remove:

- 52.211-1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29 (Sep 2023)
- 52.211-2 Availability of Defense Specifications, Standards, and Data Item Descriptions in the Acquisition Streamlining and Standardization Information System (ASSIST) website (Sep 2023)
- 52.211-3 Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions (June 1988)
- 52.211-4 Availability for Examination of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions (June 1988)
- 52.211-8 Time of Delivery (June 1997)
- 52.211-9 Desired and Required Time of Delivery (June 1997)
- 52.211-10 Commencement, Prosecution, and Completion of Work (Apr 1984)
- 52.211-16 Variation in Quantity (Apr 1984)
- 52.211-17 Delivery of Excess Quantities (Sept 1989)
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- 52.243-4 Changes (June 2007)
- 52.243-5 Changes and Changed Conditions (Apr 1984)
- 52.243-6 Change Order Accounting (Apr 1984)
- 52.243-7 Notification of Changes (Jan 2017)

2. At the next available opportunity, modify the contract/order to include the following clauses, if applicable: (RFO FAR deviation text is available at <https://www.acquisition.gov/far-overhaul>.)

- 52.211-5 Material Requirements (DEVIATION) (RFO JUN 2025)
- 52.243-1 Changes-Fixed-Price (DEVIATION) (RFO JUN 2025)
- 52.243-2 Changes-Cost-Reimbursement (DEVIATION) (RFO JUN 2025)
- 52.243-3 Changes-Time-and-Materials or Labor-Hours (DEVIATION) (RFO JUN 2025)
- 52.243-4 Changes (DEVIATION) (RFO JUN 2025)
- 52.243-5 Changes and Changed Conditions (DEVIATION) (RFO JUN 2025)
- 52.243-6 Change Order Accounting (DEVIATION) (RFO JUN 2025)
- 52.243-7 Notification of Changes (DEVIATION) (RFO JUN 2025)

AUTHORITY:

This CD is issued under the authority of EO 14275, 48 CFR 1.4, and OMB [M-25-26](#).

8. DEVIATION:

The RFO FAR parts 6, 11, 18, 39, 43, and 52 model deviation text are available at <https://www.acquisition.gov/far-overhaul>, and are incorporated into this CD.

Summary of Changes:

FAR part 6, Competition Requirements, has been streamlined to strengthen clarity and focus, helping to ensure procedures that support full and open competition are easier to understand and apply.

FAR part 11, Describing Agency Needs, has been updated to ensure requirements are clear, focused on commercial standards, and do not unnecessarily limit competition.

FAR part 18, Emergency Acquisitions, streamlines the acquisition flexibilities available for emergency acquisitions, and retains increased thresholds, commercial procedures, and award preferences during an emergency.

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.”

FAR part 43 describes policies and procedures for preparing and processing contract modifications for all types of contracts including construction and architect-engineer contracts. The part has been streamlined to provide the essential contract modification standards for the workforce to limit risk to the public and government.

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

RFO FAR part 6:

- 41 U.S.C. § 1705, Advocates for Competition
- 41 U.S.C. § 3301 and 10 U.S.C. § 3201, Full and Open Competition
- 41 U.S.C. § 3303 and 10 U.S.C. § 3203, Exclusion of Particular Source or Restriction of Solicitation to Small Business Concerns
- 41 U.S.C. § 3304, Use of Noncompetitive Procedures
- 10 U.S.C. § 3204, Use of Procedures Other than Competitive Procedures
- 15 U.S.C. Chapter 14A, Aid to Small Business
- 42 U.S.C. § 5150, Major Disaster and Emergency Assistance, Use of Local Firms and Individuals

RFO FAR part 11:

- 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

RFO FAR part 18:

- 41 U.S.C. 1903, Special Emergency Procurement Authority
- 42 U.S.C. Ch. 68, Stafford Disaster Relief and Emergency Assistance Act
- 10 U.S.C. § 101(a)(13), Contingency Operation
- 22 U.S.C. § 2292b, International Disaster Assistance
- 46 U.S.C. § 55305, Cargo Preference Act of 1954
- 41 U.S.C. § 153, Contract in Support of Humanitarian or Peacekeeping Operation

RFO FAR part 39:

- 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

RFO FAR part 43:

- 31 U.S.C. § 1501, Documentary Evidence Requirement for Government Obligations
- 31 U.S.C. § 1341, Anti-Deficiency Act
- 41 U.S.C. § 7101-7109, Contract Disputes Act of 1978

FAR Part	Change	Description
6	Retained	<ul style="list-style-type: none"> • FAR part 6 continues to apply to all acquisitions, with limited exceptions for specific contracts and orders. • Advocates for Competition, previously at subpart 6.5, has been moved to section 6.003. Details about the role and responsibilities have been streamlined. • Guidance pertaining to Sealed Bidding has been streamlined and moved from subpart 6.4 to section 6.101. • Authorities for other than full and open competition, including only one responsible source, remain. • Contracting officers retain discretion to set aside acquisitions for small business concerns, including contract actions conducted under the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs, and local firms during a major disaster or emergency. • Justification and approval requirements to support noncompetitive procedures. <ul style="list-style-type: none"> ○ These requirements have been significantly streamlined. ○ The revised language highlights that contracting officers require support from the broader acquisition team when making decisions regarding competition. ○ The approval levels are now reflected in a plain language table format.
6	Removed	<ul style="list-style-type: none"> • Unnecessary or redundant language was removed throughout. Examples include- <ul style="list-style-type: none"> ○ The word “advance” was removed from the phrase, “A lack of advance planning by the requiring activity.” The language now reads, “A lack of planning by the requiring activity.” This avoids ambiguity surrounding the meaning of advance” planning. ○ The list of specific small business socioeconomic categories was removed and replaced with a reference to part 19. • Illustrative examples of when to use certain exceptions to full and open competition have been removed and may be moved to non-regulatory content.

FAR Part	Change	Description
11	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

FAR Part	Change	Description
11	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 ▪ 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

FAR Part	Change	Description
18	Retained	<ul style="list-style-type: none"> • Increased thresholds for: <ul style="list-style-type: none"> ○ Contingency operations ○ Defense or recovery from certain events, to include cyber, nuclear, biological, chemical, or radiological attacks ○ International disaster assistance ○ Emergency or major disaster response ○ Humanitarian or peacekeeping operations • Statutory requirements related to: <ul style="list-style-type: none"> ○ Emergency declarations and major disaster declarations ○ Humanitarian or peacekeeping operations ○ Award preference for local organizations • Waiver of provisions for ocean transportation by U.S. flag vessels.
18	Removed	<ul style="list-style-type: none"> • General acquisition flexibilities covered in other sections of the FAR that support emergency procurement are now listed at https://acquisition.gov/emergencyprocurement. • References to resources such as the National Response Framework and Office of Federal Procurement Policy (OFPP) "Emergency Acquisitions Guide" are expected to be moved to non-regulatory guidance, as needed.
39	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.

FAR Part	Change	Description
39	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.
43	Retained	<ul style="list-style-type: none"> • Non-statutory definitions and procedures for contract modifications are retained to maintain uniformity across Government. • Instructions for documenting and definitizing change orders are retained and clarified.
43	Removed	<ul style="list-style-type: none"> • Plain language edits have been made throughout, resulting in a 300 word decrease.

** This table is not an exhaustive list.*

RFO FAR part 52 model deviation text reflects updates to clause(s) and/or provision(s) associated with affected RFO FAR parts.

9. CONTACT:

Acquisition workforce members with questions regarding this CD should contact their cognizant OpDiv/StaffDiv Acquisition Office or Acquisition Policy Council (APC) Representative(s), as appropriate.

The current list of APC Representatives may be found on the [Acquisition Councils and Workgroups Page](#) of the [HHS Acquisition Portal](#) (HHSAP).

All other questions should be directed to Acquisition_Policy@hhs.gov.