



Millennium Challenge Corporation
Contracts and Grants Management Division
1099 14th Street NW | Suite 700 | Washington, DC 20005

MEMORANDUM

Date: November 14, 2025

From: Jonathan C. Hamlet
Managing Director & Senior Procurement Executive
Contracts and Grants Management Division
Department of Administration and Finance
Millennium Challenge Corporation

To: MCC Contracts and Grants Management Division Staff

Subject: Class Deviation to Implement the FAR Revisions Parts 25 *Foreign Acquisition* and 52 *Solicitation Provisions and Contract Clauses* Issued on September 30, 2025

Findings

On April 15, 2025, President Trump signed the [Executive Order \(E.O.\) 14275, “Restoring Common Sense to Federal Procurement”](#) to reform the Federal Acquisition Regulation (FAR). This E.O. further advances the intent of the [E.O. 14192, “Unleashing Prosperity Through Deregulation,”](#) signed on January 31, 2025, which established that the policy of the executive branch is to be prudent and financially responsible in the expenditure of funds and to alleviate unnecessary regulatory burdens placed on the American people.

The E.O. orders the Administrator of the Office of Federal Public Procurement Policy (OFPP), in coordination with the other members of the Federal Acquisition Regulatory Council (FAR Council), the heads of agencies, and appropriate senior acquisition and procurement officials from agencies to amend the FAR to ensure that it contains only provisions that are required by statute or that are otherwise necessary to support simplicity and usability, strengthen the efficacy of the procurement system, or protect economic or national security interests. This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative.

On May 2, 2025, the Office of Management and Budget (OMB) released its memo M-25-26 “Overhauling the Federal Acquisition Regulation” that directs all agencies to “Generally issue individual or class deviations to implement the FAR Council’s deregulated coverage within 30 days after the Council releases its model deviation text. Provide copies of class deviations to the FAR Secretariat at gsaregsec@gsa.gov for public posting on Acquisition.gov.”

On September 30, 2025, the FAR Council issued completed revisions for [FAR Part 25](#) and [FAR Part 52](#) clause. The RFO FAR Part 25 has been updated and reorganized to improve clarity, remove obsolete material, and logically group related content for enhanced usability by acquisition professionals.

Key highlights include:

- Adopting the centralized waiver process for nonavailability determinations including submission to the Made In America Office (MIAO), posting the waiver to the public-facing website, MadeinAmerica.gov, and using a digital waiver portal managed by the MIAO.
- Moving evaluation examples for foreign offers from the FAR. They are expected to be moved to the FAR Companion.

Statutory requirements retained in the RFO FAR Part 25 model deviation include, but are not limited to, the following:

- 19 U.S.C. §§ 2501 et seq, Trade Agreements Act of 1979
- 22 U.S.C. § 3305, The American Institute in Taiwan
- 41 U.S.C. §§ 8301 et seq, Buy American
- E.O. 10582, Prescribing Uniform Procedures for Certain Determinations Under the BuyAmerican Act
- E.O. 13881, Maximizing Use of American-Made Goods, Products, and Materials
- E.O. 14005, Ensuring the Future Is Made in All of America by All of America's Workers
- Pub. L. 103-465, World Trade Organization Government Procurement Agreement (WTO GPA), as approved in the Uruguay Round Agreements Act
- Free Trade Agreements (FTA) and Other International Agreements
 - Pub. L. 98-67, Caribbean Basin Economic Recovery Act
 - Pub. L. 99-47, United States-Israel Free Trade Area Implementation Act of 1985
 - Pub. L. 108-77, United States-Chile Free Trade Agreement Implementation Act
 - Pub. L. 108-78, United States-Singapore Free Trade Agreement Implementation Act
 - Pub. L. 108-286, United States-Australia Free Trade Agreement Implementation Act
 - Pub. L. 108-302, Morocco Free Trade Agreement Implementation Act
 - Pub. L. 109-53, Dominican Republic-Central America-United States Free Trade Agreement Implementation Act
 - Pub. L. 109-169, United States-Bahrain Free Trade Agreement Implementation Act
 - Pub. L. 109-283, United States-Oman Free Trade Agreement Implementation Act
 - Pub. L. 110-138, United States-Peru Trade Promotion Agreement Implementation Act
 - Pub. L. 112-41, United States-Korea Free Trade Agreement Implementation Act
 - Pub. L. 112-42, United States-Columbia Trade Promotion Agreement Implementation Act
 - Pub. L. 112-43, United States-Panama Trade Promotion Agreement Implementation Act
 - Pub. L. 116-113, United States-Mexico-Canada Agreement (USMCA) Implementation Act

Other key changes include:

Retained:

- Section 25.001, “General,” is retained with minor updates to remove reference to the American Recovery and Reinvestment Act (ARRA) of 2009 (Pub. L. 111-5), which is no longer active.
- Section 25.003, “Definitions,” is retained with minor edits throughout.
- Subpart 25.8, “Other International Agreements and Coordination,” is retained because it is anchored in international treaties and agreements that are part of international law.

- Subpart 25.9, “Customs and Duties,” is retained in full because it implements statutory customs requirements and duty requirements.
- Subpart 25.10, “Additional Foreign Acquisition Regulations,” is mostly retained as statutorily required.
 - Section 25.1003, “Tax on Certain Foreign Procurements,” is deleted as this content is implemented in Part 29. The FAR Companion is expected to include best practice information on tax on foreign procurements.
- The following provisions and clauses are retained (or remain reserved) with no changes:
 - 52.225-2 (Provision), Buy American Certificate
 - 52.225-5 (Clause), Trade Agreements
 - 52.225-6 (Provision), Trade Agreements Certificate
 - 52.225-7 (Provision), Waiver of Buy American Statute for Civil Aircraft and Related Articles
 - 52.225-8 (Clause), Duty-Free Entry
 - 52.225-10 (Provision), Notice of Buy American Requirement—Construction Materials
 - 52.225-12 (Provision), Notice of Buy American Requirement—Construction Materials Under Trade Agreements
 - 52.225-14 (Clause), Inconsistency between English Version and Translation of Contract
 - 52.225-15 & 52.225-16 remain reserved
 - 52.225-17 (Provision), Evaluation of Foreign Currency Offers
 - 52.225-18 (Provision), Place of Manufacture
 - 52.225-19 (Clause), Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission Outside the United States
 - 52.225-26 (Clause), Contractors Performing Private Security Functions Outside the United States.

Updated:

- Section 25.002, “Applicability of Subparts,” has been updated to align with the Part 25 organizational structure and is expected to be moved to the FAR Companion.
- Subpart 25.1, “Buy American—Supplies,” is retained and updated.
 - Section 25.103 adopts the centralized waiver process for individual nonavailability determinations.
 - Submission to MIAO: The new 25.103(b)(2)(iii) requires contracting officers to submit a proposed individual nonavailability waiver for review and posting to the public-facing website, MadeinAmerica.gov, using a digital waiver portal managed by the MIAO.
 - Prohibition on Award: The contracting officer may not make an award until: (1) the MIAO has completed its review of the proposed waiver; (2) the MIAO has waived the review requirement; or (3) a specific exception to the posting requirement applies.
 - Procedural Details: Subparagraphs (b)(2)(iii)(A) through (D) require the use of a standardized digital form, specify that certain information will be made public, establish MIAO review times, and outline exceptions for urgent requirements. In cases of urgency, a report must be filed within 30 days of award.

- Subpart 25.2, “Buy American—Construction Materials,” is retained and revised to align with the changes in subpart 25.1 and to streamline its content.
 - Section 25.203, “Preaward Determinations”
 - Section 25.203(a) has been streamlined. The instructions for offerors are more appropriately located within the solicitation provisions (e.g., 52.225-10 and 52.225-12).
 - Section 25.204, “Evaluating Offers of Foreign Construction Material,” has been revised for clarity and restructured.
- Subpart 25.4, “Trade Agreements,” is updated to remove the specific requirement for post-award notices previously at 25.408(a)(5), as it is redundant of content in other FAR parts.
- Subpart 25.5, “Evaluating Foreign Offers—Supply Contracts” ○ The examples and tables formerly at section 25.504, “Evaluation Examples” are removed and expected to be included in the FAR Companion.
- Subpart 25.6, “Solicitation Provisions and Contract Clauses,” is a relocation of the former Subpart 25.11. The content and structure are largely identical. Subpart 25.11 is now reserved.
- Subpart 25.7, “Contracts Performed Outside the United States,” is a relocation of the former Subpart 25.3. The content and structure are largely identical. Subpart 25.3 is now reserved.
- The following provision and clauses have been updated to reflect plain language, update cross-references, or make corresponding updates within the part:
 - 52.225-1 (Clause), Buy American—Supplies
 - 52.225-3 (Clause), Buy American—Free Trade Agreements—Israeli Trade Act
 - 52.225-4 (Provision), Buy American—Free Trade Agreements—Israeli Trade Act Certificate
 - 52.225-9 (Clause), Buy American—Construction Materials
 - 52.225-11 (Clause), Buy American—Construction Materials Under Trade Agreement

Removed:

- Subpart 25.6, “American Recovery and Reinvestment Act-Buy American statute-Construction Materials,” is deleted as obsolete because the content was specific to construction projects funded by the ARRA of 2009 which is no longer active.
- Subpart 25.7, “Prohibited Sources,” is deleted, along with the following provisions and clauses, because this content has been moved to RFO FAR Part 40.
 - 52.225-13 (Clause), Restrictions on Certain Foreign Purchases
 - 52.225-20 (Provision), Prohibition on Conducting Restricted Business Operations in Sudan—Certification.
 - 52.225-25 (Provision), Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran—Representation and Certifications.
- The following provisions and clauses were deleted as obsolete because the content was specific to construction projects funded by the ARRA of 2009 which is no longer active:
 - 52.225-21 (Clause), Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials.
 - 52.225-22 (Provision), Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials
 - 52.225-23 (Clause), Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements.

- 52.225-24 (Provision), Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements.

Determination

To fully comply with the President’s E.O.s and the revised FAR Parts 25 and 52, MCC shall follow the [RFO Part 25 model deviation text](#) instead of FAR Part 25 as codified at 48 CFR Chapter 25 and replace the relevant [RFO Part 52 model deviation clause](#) instead of the FAR Part 52 clause as codified at 48 CFR Chapter 52. The FAR Council’s RFO Parts 25 and 52 model deviation texts are available at [Acquisition.gov](#), under the “[FAR Overhaul](#)” link.

This deviation applies to all solicitations and new contracts as of November 14, 2025. This deviation does not apply to contracts signed and executed on or before November 13, 2025.

Approval

In accordance with RFO FAR 1.304 *Class deviations*, MCC Contracts Operating Manual (COM) 1.305-3 *Contracts and Grants Management Division MD/SPE*, and the OMB memo M-25-26, the RFO Part 25 model deviation text and the RFO Part 52 model deviation clause are hereby approved effective as of November 14, 2025 for use by all MCC Contracting Officers until final implementation of the FAR update or rescission of this Memo by the SPE. Additional instructions related to this Memo may be issued by the Senior Procurement Executive, Deputy Managing Director, and the Supervisory Procurement Analyst of the MCC CGM Division on an *ad hoc* basis.

Jonathan C. Hamlet
Managing Director & Senior Procurement Executive
Contracts and Grants Management Division
Department of Administration and Finance
Millennium Challenge Corporation

Attachments

OMB Memo M-25-26 *Overhauling the Federal Acquisition Regulation*