

MKU-DEV-2025-07

**MEMORANDUM FOR MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION (UDALL FOUNDATION)  
CONTRACTING ACTIVITIES**

**DATE:** June 27, 2025

**SUBJECT:** Class Deviations for FAR Part 43 in support of Executive Order 14275, *Restoring Common Sense to Federal Procurement*

**FROM:** David P. Brown, Executive Director

1. **Purpose.** This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) Part 11 for purposes of implementing the Federal Acquisition Regulatory Council's ("the Council's" or "RFO") model deviation text to FAR Part 11.
2. **Background.** On April 15, 2025, President Trump signed 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 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. E.O. 14275 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 Memorandum 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[and] Provide copies of class deviations to the FAR Secretariat at [gsaregsec@gsa.gov](mailto:gsaregsec@gsa.gov) for public posting on Acquisition.gov."

Also on May 2, 2025, the Acting Administrator for Federal Procurement Policy at OMB released a Memorandum, "Deviation Guidance to Support of the Overhaul of the Federal Acquisition Regulation." This Memorandum advises that agencies using the RFO model class deviation text do not need to further coordinate with the Council; class deviations that differ from the RFO model text require Council approval unless the difference is necessary to address agency-specific statutory direction.

On June 18, 2025, the FAR Council issued completed revisions for FAR Part 11 and FAR Part 52 provisions and clauses 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 include, 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
<b>Retained</b>	<ul style="list-style-type: none"> <li>• Definitions specific to part 11 for Reconditioned and Remanufactured.</li> <li>• Using market research to promote full and open competition.</li> <li>• Encouraging commercial products and commercial services to the maximum extent practicable.</li> <li>• Procedures and corresponding clauses related to liquidated damages.</li> <li>• 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.</li> <li>• Retained clauses and provisions to this part include: <ul style="list-style-type: none"> <li>○ 52.211-5, Material Requirements</li> <li>○ 52.211-11, Liquidated Damages—Supplies, Services, or Research and Development</li> <li>○ 52.211-12, Liquidated Damages—Construction</li> <li>○ 52.211-13, Time Extensions</li> <li>○ 52.211-14, Notice of Priority Rating for National Defense, Emergency Preparedness, and Energy Program Use</li> <li>○ 52.211-15, Defense Priority and Allocation Requirements</li> </ul> </li> </ul>
<b>Removed</b>	<ul style="list-style-type: none"> <li>• Requirements related to identification and availability of specifications.</li> <li>• Prescriptive procedures, such as: <ul style="list-style-type: none"> <li>○ Requirements to include ecolabels in specifications based on information in the Green Procurement Compilation.</li> <li>○ Requirements for brand name or equal purchase descriptions.</li> </ul> </li> <li>• Twelve (12) clauses and provisions are removed: <ul style="list-style-type: none"> <li>○ The following provisions related to the availability of Federal specifications, applicable to GSA and DOD standard indices: <ul style="list-style-type: none"> <li>▪ 52.211-1, Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29</li> <li>▪ 52.211-2, Availability of Defense Specifications, Standards, and Data Item Descriptions in the Acquisition Streamlining and Standardization Information System (ASSIST) Website</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>▪ 52.211-3, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions</li> <li>▪ 52.211-4, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions</li> <li>○ The following provisions related to brand name or equal procurements: <ul style="list-style-type: none"> <li>▪ 52.211-6, Brand Name or Equal</li> <li>▪ 52.211-7, Alternatives to Government-Unique Standards</li> </ul> </li> <li>○ The following clauses related to delivery schedules for the contract: <ul style="list-style-type: none"> <li>▪ 52.211-8, Time of Delivery</li> <li>▪ 52.211-9, Desired and Required Time of Delivery</li> <li>▪ 52.211-10, Commencement, Prosecution, and Completion of Work (for construction contracts only)</li> </ul> </li> <li>○ The following clauses that address variations from firm fixed price contracts: <ul style="list-style-type: none"> <li>▪ 52.211-16, Variation in Quantity</li> <li>▪ 52.211-17, Delivery of Excess Quantities</li> <li>▪ 52.211-18, Variation in Estimated Quantity</li> </ul> </li> </ul>
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This table is not an exhaustive list.

3. **Determination.** To fully comply with E.O. 14275, OMB implementation guidance, and direction related to use of model deviations, and the model deviations for revised FAR Part 11, the Udall Foundation shall follow the RFO Part 11 model deviation text instead of FAR Part 11 as codified at 48 CFR Chapter 11. The FAR Council's RFO Part 11 model deviation text is available at Acquisition.gov, under the "FAR Overhaul" link. This deviation applies to all solicitations and new contracts as of the date of the Memorandum. This deviation does not apply to contracts signed and executed on or before the date of this Memorandum.
4. **Instructions.** The Udall Foundation acquisition workforce shall follow the RFO Part 11 model deviation text instead of FAR Part 11 as codified at 48 CFR Chapter 11 and the RFO Part 52 model deviation text of FAR Part 52 as codified at 48 CFR Chapter 52. The Council's RFO Parts 11 and 52 model deviation text are available at Acquisition.gov, under the "FAR Overhaul" link, and are incorporated into this class deviation.

The Udall Foundation acquisition workforce shall not include any of the removed provisions or clauses in future solicitations and contracts. 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 separately address certain aspects in the contract.

- For example, without contract clauses addressing variations from firm-fixed price contracts, contracting officers should consider other ways to protect the Government by addressing variations during the contract's performance.

Requirements for establishing delivery or performance schedules are being moved to the FAR Companion Guide. This move allows acquisition teams greater flexibility and discretion to consider techniques which are most appropriate to their acquisition. To enforce the remaining liquidated damages clauses, it is helpful to ensure a delivery schedule is clearly identified.

The Udall Foundation acquisition workforce shall review templates and related standard operating procedures to align with this deviation and remove unnecessary processes or steps.

A copy of this Class Deviation will be provided to the FAR Secretariat at [gsaregsec@gsa.gov](mailto:gsaregsec@gsa.gov).

5. **Applicability.** This class deviation applies to all Udall Foundation procurements.
6. **Authority.** This class deviation is issued under the authority of E.O. 14275, OMB Memo 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.

**Points of Contact.** Questions regarding this class deviation may be directed to the Udall Foundation General Counsel, Gwendolyn Franks, at [franks@udall.gov](mailto:franks@udall.gov).