

MKU-DEV-2025-04

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

**DATE:** June 27, 2025

**SUBJECT:** Class Deviations for FAR Part 18 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 18 for purposes of implementing the Federal Acquisition Regulatory Council's ("the Council's" or "RFO") model deviation text to FAR Part 18.
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 12, 2025, the FAR Council issued completed revisions for FAR Part 18 to streamline the acquisition flexibilities available for emergency acquisitions, and to retain increased thresholds, commercial procedures, and award preferences during an emergency.

Statutory requirements retained in the RFO FAR part 18 deviation include, but are not limited to, the following:

- 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

**Important Note:** General acquisition flexibilities that support emergency procurement have been removed and are now located at <https://acquisition.gov/emergencyprocurement>.

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

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 18, the Udall Foundation shall follow the RFO Part 18 model deviation text instead of FAR Part 18 as codified at 48 CFR Chapter 18. The FAR Council’s RFO Part 18 model deviation text is available at [Acquisition.gov](https://www.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 18 model deviation text instead of FAR Part 18 as codified at 48 CFR Chapter 18. The Council’s RFO Part 18 model deviation text is available at Acquisition.gov, under the “FAR Overhaul” link, and is incorporated into this class deviation. 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).