



Global Acquisitions

U.S. DEPARTMENT *of* STATE

Acquisition Alert 25-35-01

TO: All Contracting Activities

FROM: Sharon D. James
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SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 12 in Support of Executive Order on Restoring Common Sense to Federal Procurement

- 1. Introduction:** The purpose of this Acquisition Alert is to issue a FAR class deviation to part 12 for purposes of implementing the Federal Acquisition Regulatory Council's model deviation text to that part. **The purpose of this amendment is to revise the effective date. Changes implemented as part of this amendment are outlined in red font.**
- 2. Background:** On April 15, 2025, 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- Remove duplicative or outdated language;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 plain language;
- Revise language for the new FAR framework; and
- Retain language necessary for governmentwide acquisition standards.

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative. This class deviation is issued under the authority of E.O. 14275, OMB M-25-25, and 48 CFR 1.4.

Deviation Summary

FAR part 12, Acquisition of Commercial Products and Commercial Services, has undergone a comprehensive revision that includes a complete structural reorganization to align with the acquisition lifecycle while retaining the preferences for commercial procurement and fixed-price contracts. The new language encourages innovation and provides impactful updates that include the following:

- Updated definitions in FAR 2.101, including allowing for construction to be a commercial service;
- Incorporation of the Subpart 13.5 - Simplified Procedures for Certain Commercial Products and Commercial Services into FAR 12.201-1 for acquisitions up to \$7.5 million while clarifying that acquisitions above this threshold must be executed in accordance with FAR Part 14 or 15 procedures;
- Encouragement to use innovative approaches when soliciting quotations and issuing purchase orders;
- Updated provisions 52.212-1 and 52.212-2 and clause 52.212-4;
- Clarification of the legal effect of quotations;
- Reference to the requirement to seek commercial items from Required Sources listed in Part 8; and
- Tables that help readers find information easier:
 - Table 12-1, Authority citations for restricting competition;
 - Table 12-2, Provisions to include as prescribed;
 - Table 12-3, Clauses to include as prescribed; and
 - Table 12-4, Provisions and clauses to include as needed.

Statutory requirements retained in the RFO FAR part 12 model deviation include:

- 10 U.S.C. §§ 3451 et seq, Procurement of Commercial Products and Commercial Services
- 10 U.S.C. § 3453 and 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services
- 10 U.S.C. § 3771 and 41 U.S.C. § 2302, Rights in Technical Data
- 10 U.S.C. § 3805 and 41 U.S.C. § 4505, Payments for Commercial Products and Commercial Services

- 41 U.S.C. § 103, Commercial Product
- 41 U.S.C. § 103a, Commercial Service
- 41 U.S.C. § 104, Commercially Available Off-the-Shelf Item
- 41 U.S.C. § 1708, Procurement Notice
- Pub. L. 103-355, Federal Acquisition Streamlining Act of 1994 (FASA)
- Pub. L. 105-261 Sec 803, Defense Commercial Pricing Management Improvement

Non-statutory requirements removed from FAR part 12 include:

- A total of 46 clauses and provisions from other FAR parts are removed as they are no longer required for commercial contracts. This change reflects an approximate 30% reduction in the number of clauses and provisions that are applicable to commercial contracts.
- Further, the following clause and provision and clause are removed; any required references are retained through other means (mainly the clauses and provisions listed in tables 12-2, 12-3, and 12-4):
 - 52.212-3, Offeror Representations and Certifications- Commercial Products and Commercial Services
 - 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Products and Commercial Services

Corresponding DOSAR Deviation Summary

Based on the Council's model deviated language, a class deviation is hereby issued to the Department of State Acquisition Regulation (DOSAR) to rescind Part 612 in its entirety because FAR 12.205(d)(iii) clarifies the levels of approval required for tailoring or waiving clauses and provisions.

- 3. Acquisition Impact:** The changes resulting from this class deviation affect all DoS procurements issued on or after the effective date of the AA.
- 4. Action Required:** The acquisition workforce must follow the RFO part 12 model deviation text instead of FAR part 12 as codified at 48 CFR Chapter 1. The FAR Council's RFO model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul), and is incorporated into this class deviation.

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- a. For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at RFO FAR part 52. Do not include any of the removed provisions or clauses in future solicitations and contracts.
- b. 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.

5. Effective Date: The model deviated language was released on August 14, 2025; however, this deviation is effective as follows:

- a. Updated definitions in FAR 2.101, including allowing for construction to be a commercial service, are effective upon signature of this AA.
- b. Part 12 procedures are effective **January 30, 2026, or 30 days following the end of the current lapse in appropriations; whichever is later.**

6. Expiration Date: This Acquisition Alert expires upon incorporation into the FAR, DOSAR, and/or DOSAM.

7. Additional Information: Questions regarding this Acquisition Alert may be directed to AcquisitionPolicy@state.gov.

8. Attachments: [DOSAR Part 612 Deviation Line In/Line Out Document](#)

9. Referenced Documents, Checklists, Guides and Templates:
[FAR Part 12 Practitioner Album](#)