



# Global Acquisitions

U.S. DEPARTMENT *of* STATE

## Acquisition Alert 26-20

**TO:** All Contracting Activities

**FROM:** Sharon D. James  
Acting Senior Procurement Executive  
U.S. Department of State

**SUBJECT:** Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 42 in Support of Executive Order on Restoring Common Sense to Federal Procurement

- 1. Introduction:** The purpose of this Acquisition Alert is to issue a class deviation to FAR part 42 and DOSAR part 642 for purposes of implementing the Federal Acquisition Regulatory Council's model deviation text to that part.
- 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- Remove duplicative or outdated language;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 42, Contract Administration and Audit Services, has been retained with updates made for plain language and streamlining.

Statutory requirements retained in the RFO FAR part 42 model deviation include, but are not limited to, the following:

- 10 U.S.C. §§ 3741 et seq and 41 U.S.C. §§ 4301 et seq, Allowable Costs
- 10 U.S.C. § 3841 and 41 U.S.C. § 4706, Contractor Audits and Accounting
- 11 U.S.C. §§ 501 et seq, Creditors and Claims
- 31 U.S.C. § 1535, The Economy Act
- 41 U.S.C. § 1126, Policy Regarding Consideration of Contractor Past Performance
- 41 U.S.C. § 1326, Requirements for Executive Agencies
- 41 U.S.C. § 2313, Database for Federal Agency Contract and Grant Officers and Suspension and Debarment Officials
- 41 U.S.C. § 3102, Delegation and Assignment of Powers, Functions, and Responsibilities
- 41 U.S.C. § 4504, Conditions for Progress Payments
- 41 U.S.C. § 6305, Assignment of Contracts Act

Non-statutory requirements removed from FAR part 42 include, but are not limited to, the following:

- Former subparts 42.4, “Correspondence and Visits”, and 42.5, “Postaward Orientation”, are removed. Some of this content was moved to the FAR Companion.
- 42.1502 paragraph (h) is removed to allow for past performance evaluations of AbilityOne.
  - Removing this section includes deleting clause 52.203-15, Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009.

Additional revisions include:

- Subsection 42.1101 removes language limiting past performance information to future “source selection” purposes.
- Subsection 42.1103(d)(4) reflects a significant revision regarding the marking of performance evaluations. It now states, “Evaluations of contractor performance developed on contracts awarded prior to April 1, 2026 should be marked 'Source Selection Information'”. This update allows for the use of

performance evaluation information, starting April 1, 2026 and after, during any part of the acquisition lifecycle.

- Subsection 42.1103(f) removes the cross-reference to FAPIIS (formally at 42.1503(g)) and updates the language to refer to the responsibility/qualification reports in the System for Award Management (SAM), at SAM.gov".
- Clause 52.242-3, Penalties for Unallowable Costs, has been updated to align cross-references.
- All other provisions and clauses have been retained (or remain reserved) with no changes.

The following discretionary practice content was moved to the FAR Companion:

- Interagency agreements (former 42.002(c))
- Cognizant Federal agency (former 42.003(b))
- Contract administration functions (former 42.302)
- Contract correspondence (from 42.401)
- Visits to contractors' facilities (from 42.402)
- Evaluation of contract administration functions (from 42.403)
- General (from 42.501)
- Selecting contracts for postaward orientation (from 42.502)
- Postaward subcontractor conferences (from 42.505)
- Procedures, related to distribution of documentation of indirect contract rates (from 42.705-2(b))
- Production surveillance and reporting requirements (from 42.1106)
- Evaluation of Federal Prison Industries performance (from 42.1503(d))

### ***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 make the following corresponding changes:

- Adjusting terminology and section titles to mirror FAR part 42 changes; and
- Other administrative updates.

**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 42 model deviation text instead of FAR part 42 as codified at 48 CFR Chapter 1.

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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.

- 5. Effective Date:** The model deviated language was released on September 30, 2025; however, this deviation will be effective on February 27, 2026.
- 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](mailto:AcquisitionPolicy@state.gov).
- 8. Attachments:** [DOSAR Part 642 Deviation Line In\\_Line Out](#)
- 9. Referenced Documents, Checklists, Guides and Templates:**  
[FAR Part 42 Practitioner Album](#)