



Global Acquisitions

U.S. DEPARTMENT *of* STATE

Acquisition Alert 25-51-01

TO: All Contracting Activities

FROM: Sharon D. James
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SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 44 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 44 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- Remove duplicative or outdated language;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 44, Subcontracting Policies and Procedures, has been revised to create a more agile, risk-based system that reduces administrative burdens on contractors and encourages broader participation from the commercial sector. It has been logically reorganized into process-oriented subparts: Evaluation and Award, Postaward, and Subcontracts for Commercial Products and Commercial Services. The revised language includes the following:

- Definitions are retained with minor wording changes. Approved purchasing system has been removed as the definition is included directly in the relevant clause (**FAR 52.244-2**).
- Each of the new subparts has been consolidated and streamlined. For example, the new Subpart on Evaluation and Award consolidates policies related to subcontract consent, advance notification, and the CO's evaluation process.
 - **Subpart 44.201-3(b)** has been reduced from a 13-point checklist of considerations to a shorter, higher-level summary of situations that necessitate review.
 - **Subpart 44.3**, Postaward, has been reorganized into five sections (from seven).
- All of the clauses and provisions for this part have been retained:
 - The following clauses are unchanged:
 - 52.244-1, Reserved
 - 52.244-2, Subcontracts
 - 52.244-3, Reserved
 - 52.244-4, Subcontractors and Outside Associates and Consultants (Architect-Engineer Services)
 - 52.244-5, Competition in Subcontracting
 - The following clauses have plain language and streamlining revisions:
 - 52.244-6, Subcontracts for Commercial Products and Commercial Services

Statutory requirements retained in the RFO FAR part 44 model deviation include:

- 10 U.S.C. § 3322(c) and 41 U.S.C. § 3905(c), Advance Notice of Certain Subcontracts

- 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services

Non-statutory requirements removed from FAR part 44 include:

- **44.201-1, Consent Requirements**, and **44.202-2, Considerations**, providing guidance on notice and consent best practices for commercial time and materials contracts will be moved to the FAR Companion guide.
- **44.303, Extent of review**, **44.306 Disclosure of approval status**, and **44.307, Reports**, providing procedures for Contractor Purchasing System Reviews (CPSRs) have been significantly streamlined with best practices being moved to the FAR Companion guide.
- References to an “**Administrative Contracting Officer (ACO)**” have been changed to “Contracting Officer”.

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 reserve this subpart in its entirety.

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 44 model deviation text instead of FAR part 44 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.

- 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.

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- 5. Effective Date:** The model deviated language was released on September 4, 2025; however, this deviation is 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 644 Deviation Line In/Line Out Document](#)
- 9. Referenced Documents, Checklists, Guides and Templates:**
[FAR Part 44 Practitioner Album](#)