

Memorandum

TO: Office of Management Services **DATE:** March 9, 2026

FROM: Cindy Hennigan
Deputy Managing Director
Office of Managing Director
Senior Procurement Executive

SUBJECT: Class Deviation for Federal Acquisition Regulation Part 13 in Support of Executive Order on Restoring Common Sense to Federal Procurement

1. **Purpose:** To issue a class deviation to Federal Acquisition Regulation (FAR) Part 13 for purposes of implementing the FAR Council's model deviation text to FAR Part 13.
2. **Effective Date:** Immediately
3. **Expiration Date:** Expires when incorporated into the FAR or is otherwise rescinded.
4. **Background:** On April 15, 2025, the 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- Remove duplicative or outdated language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 more plain language
- Revise language for the new FAR framework
- Retain language necessary for governmentwide acquisition standards.

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

5. Summary of Changes. FAR part 13 is renamed from "Simplified Acquisition Procedures" to "Simplified Procedures for Non-commercial Acquisitions". The revision makes a clear distinction between simplified procedures for non-commercial acquisition covered in FAR part 13 model deviation and commercial acquisitions which are now covered in FAR part 12 model deviation.

FAR part 13 has been significantly changed:

- From a focus on: Simplified procedures for the acquisition of commercial products and commercial services

- To a focus on: Simplified procedures for the acquisition of non-commercial products and services valued at or below the simplified acquisition threshold (SAT). The procedures in this part may be used only if:

Change	Description
Retained	<ul style="list-style-type: none"> • Simplified Acquisition Procedures (41 U.S.C. §§ 1901-1905) • Simplified Procedures for Small Purchases (41 U.S.C. § 3305 and 10 U.S.C. § 3205) • Planning and Solicitation Requirements (41 U.S.C. § 3306 and 10 U.S.C. § 3206) <p>Note:</p> <p>The revised part structure now reflects the acquisition lifecycle and differentiates procedures for micro-purchases:</p> <p>Subpart 13.1 - Presolicitation</p> <p>Subpart 13.2 - Solicitation, Evaluation, and Award</p> <p>Subpart 13.3 - Postaward</p> <p>Subpart 13.4 - Micro-purchases</p> <p>Section 13.001, Applicability, retains the prohibition on splitting requirements to stay below the SAT. It also now contains a dynamic list of laws (opens in a new tab) that do not apply to acquisitions valued at or below the SAT (41 U.S.C. 1905). This modernization will ensure the regulation points to a continuously updated official source rather than a static list (formerly at 13.005) that can become outdated.</p> <p>Section 13.101, Competition, retains that agencies must promote competition to the maximum extent practicable when procuring noncommercial products and services valued at or below the SAT.</p> <p>Section 13.102, Small Business, retains that acquisitions of supplies or services that have an anticipated dollar value above the micro-purchase threshold (MPT), but at or below the SAT, must be set aside for small business concerns.</p> <p>Sections 13.201, Procedures, and 13.202, Evaluation, contain cross references to FAR part 12. This cross-referencing achieves several goals. It promotes consistency in government procurement practices, reduces the need for contracting officers to master two distinct sets of procedures for simple buys, and signals that the flexible techniques used for commercial acquisitions are now considered best practice for simple noncommercial buys as well.</p> <p>Section 13.204, Contract Clauses, authorizes the use of the revised clause for a streamlined set of terms and conditions for inspection/acceptance, excusable delays, terminations, and warranties.</p> <p>The primary clause for noncommercial simplified acquisitions, 52.213-4, has been retitled and revised.</p>

	<p>The title is changed from "Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services)" to "Terms and Conditions Simplified Acquisitions (Noncommercial)" to align with the new focus of FAR part 13.</p> <p>13.204 (c) explicitly prohibits the use of FAR part 12 clauses (52.212-1, 52.212-2, and 52.212-4) in noncommercial acquisitions.</p> <p>Section 13.301, Notifications, consolidates instructions for notifying unsuccessful quoters. It retains posting requirements of FAR subpart 5.3. and brief explanations.</p> <p>Section 13.302, Cancellations and Terminations, now provides a clearer distinction between canceling an unaccepted purchase order and terminating an accepted purchase order and directs the contracting officer to FAR part 49 or clause 52.213-4 for terminations.</p> <p>Section 13.303, Contractor Financing and Payments, now instructs readers to see FAR part 32 for payment procedures, including fast payment procedures which was previously covered in 13.4</p>
Moved/ Updated	<p>Content that is outdated, redundant, or otherwise unnecessary:</p> <ul style="list-style-type: none"> • Section 13.001, Definitions, of “governmentwide commercial purchase card” is moved to section 2.101. • Section 13.106-1(a), Soliciting Competition, content regarding price or cost evaluation factors for multiple-award contracts will move to FAR part 16. • Section 13.401, General, for micro-purchases, now points to FAR part 12 when making purchases below the MPT ensuring that the simplest and most common type of acquisition is governed by a single, consistent set of rules, regardless of whether the item is commercial or noncommercial. • Subpart 13.5, Simplified Procedures for Certain Commercial Products and Commercial Services has been revised and moved to FAR part 12
Removed	<ul style="list-style-type: none"> • A significant amount of content has been streamlined, and removed from part 13 and shifted to other parts of the FAR as highlighted in the summary of changes above. • The following clauses were deleted: <ul style="list-style-type: none"> ○ 52.213-1, Fast Payment Procedure. Fast payments procedures will be moved to FAR part 32. ○ 52.213-2, Invoices. General payment procedures will be covered in FAR part 32. ○ 52.213-3, Notice to Supplier. The streamlined procedures and the general principles of offer and acceptance are deemed adequate without this specific clause.

This table is not an exhaustive list.

Required Action: The FMC acquisition workforce shall follow the RFO Part 13 model deviation text instead of FAR Part 13 as codified at 48 CFR Chapter 1. The Council’s RFO Part 13 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul), and is incorporated into this class deviation.

6. Applicability: This class deviation applies to all FMC procurements.

7. Authority: This deviation is issued under the authority of Executive Order 14275, OMB Memo M-25-26, and 48 CFR 1.4.

8. Point of Contact: If you have any questions please contact Michelle Calhoun, Procurement Analyst (mcalhoun@fmc.gov) or (202) 523-5901.