



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

MEMORANDUM

DATE: April 8, 2026
TO: Office of Personnel Management (OPM) Acquisition Workforce
FROM: Matthew J. Manning
OPM Senior Procurement Executive
SUBJECT: FAR Class Deviation for FAR Part 5 in Support of Executive Order 14275, Restoring Common Sense to Federal Procurement

1. Purpose

This supplement provides updates and amendments to certain OPM implementing deviations.

2. Background

In accordance with Executive Order (E.O.) 14275, Restoring Common Sense to Federal Procurement, between May and September 2025, the FAR Council issued model deviation text by FAR part in support of the Revolutionary FAR Overhaul (RFO) initiative.

In accordance with OMB Memorandum M-25-26, OPM issued implementing class deviations following the release of each RFO FAR part deviation text.

Subsequent review has identified the need to update and amend OPM's implementing deviations for RFO FAR parts 5, 8, 9, 12, 13, and 23.

3. Summary of Supplement Updates

Table with 2 columns: Background, RFO FAR parts 5, 12, 13, and 23 included corresponding definition updates to part 2, but the implementing OPM deviations did not

	provide instructions to the workforce on how to use the revised part 2 definitions in concert with existing definitions in part 2.
Supplement Update	<p>In OPM’s class deviations implementing RFO FAR parts 5, 12, 13, and 23, section 4, “Instructions”, is updated to add the following bullet:</p> <ul style="list-style-type: none"> • The OPM acquisition workforce must use the definitions (Part 2 – Definitions of Words and Terms) found on Acquisition.gov/far-overhaul. <p>The remainder of the deviation is unchanged.</p>
RFO FAR part 8	
Background	<p>The FAR Council initially released the RFO FAR part 8 model deviation text on August 14, which required use of Office of Federal Property Policy best-in-class (BIC) contracts. On August 29, OFPP updated the model deviation text to reference “required use” contracts at 8.104 instead of BIC contracts. It is understood that OFPP will be establishing a new class of “required use” contracts (and associated criteria) that will be separate from BIC contracts. “Required use” contracts will be mandatory. BICs may be prioritized, but are not mandatory.</p> <p>OPM’s class deviation implementing RFO FAR part 8 is amended as follows, to reflect the updated RFO FAR part 8 model deviation text:</p>
Supplement Update 1	<p>Section 3, “Summary of Changes”, is updated as follows:</p> <p>3. Summary of Changes. FAR part 8, Required Sources of Supplies and Services, is significantly updated. The model deviation language:</p> <ul style="list-style-type: none"> • Enhances usability by restructuring and organizing the part in the logical flow of the acquisition lifecycle. • Simplifies mandatory source guidance. • Makes the use of Governmentwide Best-In-Class (BIC) contracts mandatory [Makes the use of OFPP-contracts mandatory]. • Retains focus on the importance of the AbilityOne Program.
Supplement Update 2	<p>The fourth bullet in the “Retained” section of the table in Section 3, “Summary of Changes”, is updated as follows:</p> <ul style="list-style-type: none"> • Use of Existing Contracts. 8.104 replaces section 8.004, “Use of Other Sources”. Best-in-class (BIC) [OFPP-designated “Required Use”] contracts or BPAs are now required [mandatory] to be used when a commercial product or

	commercial service meets an agency’s need, unless approved by the Head of the Contracting Activity (HCA). If a BIG ["required use" contract] is not suitable, agencies should consider use of an existing governmentwide contract, BPA, or shared service.
Miscellaneous	<ul style="list-style-type: none"> • OFPP is expected to provide more information about “required use” contracts in the future.
RFO FAR part 9	
Background	The OPM implementing deviation stated that all existing provisions and clauses are retained (or remain reserved if previously reserved) with no changes to the text. The implementing class deviation is amended as follows to highlight that some provisions and clauses were updated.
Supplement Update 1	<p>The third bullet in the “Retained” section of the table in Section 3, “Summary of Changes”, is updated as follows:</p> <p>From: All existing provisions and clauses are retained (or remain reserved if previously reserved) with no changes to the text.</p> <p>To: The following provision and clause are retained (or remain reserved if previously reserved) with no changes to the text:</p> <ul style="list-style-type: none"> • 52.209-8 remains reserved • 52.509-12 (Provision), Certification Regarding Tax Matters • 52.209-14 (Clause), Reserve Officer Training Corps and Military Recruiting on Campus
Supplement Update 2	<p>A new section titled “Updated” is added to the table in Section 3, “Summary of Changes”. The following bullet is added:</p> <ul style="list-style-type: none"> • The following provisions and clauses have been updated to reflect plain language, update cross-references, or to correspond with updates made within the part: <ul style="list-style-type: none"> • 52.209-1 (Clause), Qualification Requirements • 52.209-2 (Provision), Prohibition on Contracting with Inverted Domestic Corporations-Representation • 52.209-3 (Clause), First Article Approval-Contractor Testing <ul style="list-style-type: none"> • Note - The Alternates are not updated • 52.209-4 (Clause), First Article Approval-Government Testing <ul style="list-style-type: none"> • Note - The Alternates are not updated

	<ul style="list-style-type: none"> • 52.209-5 (Provision), Certification Regarding Responsibility Matters • 52.209-6 (Clause), Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, Proposed for Debarment, or Voluntarily Excluded • 52.209-7 (Provision) Information Regarding Responsibility Matters • 52.209-9 (Clause), Updates of Publicly Available Information Regarding Responsibility Matters • 52.209-10 (Clause), Prohibition on Contracting with Inverted Domestic Corporations • 52.209-11 (Provision), Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law • 52.209-13 (Provision) Violation of Arms Control Treaties or Agreements-Certification
<p>Supplement Update 3</p>	<p>Section 4, “Instructions”, is updated to add the following bullets:</p> <ul style="list-style-type: none"> • 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. • 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. <p>All other bullets in Section 4, “Instructions” are unchanged.</p>

4. Applicability

This supplement to applicable class deviations applies to all OPM procurements.

5. Authority

This class deviation is issued under the authority of E.O. 14275, [OMB Memo M-25-26](#), 48 CFR 1.4, and RFO FAR 1.304.

6. Effective Date

This supplement is effective immediately and remains in effect until rescinded or incorporated into the FAR. All OPM implementing deviations can be found on [acquisition.gov](https://www.acquisition.gov).

7. Points of Contact

Try asking OPM first (upload the new RFO language and OPM's implementing deviation, then ask your question). If you still need clarification, you may email the OPM Procurement Service Division Senior Procurement Executive at Senior_Procurement_Executive@opm.gov.