



SOCIAL SECURITY

MEMORANDUM

Date: January 28, 2026

Refer To: TUEC

To: Tom Holland  
Chief Financial Officer  
for Finance and Management

From: Bruce Starr  
Head of Strategic Sourcing  
for Finance and Management

Subject: Request for Class Deviation from the Federal Acquisition Regulation (FAR) Parts 15, 16, 22, and 23--DECISION

**ISSUE**

We request approval of a class deviation from FAR parts 15, 16, 22, and 23 for purposes of implementing the Federal Acquisition Regulatory Council's model deviation text to these parts.

**BACKGROUND**

Executive Order (E.O.) 14275, *Restoring Common Sense to Federal Procurement*, was signed on April 15, 2025. (See [Attachment \(a\)](#).) 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 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- Remove duplicative or outdated language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. (See [Attachment \(b\)](#).) This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

## **SUMMARY OF CHANGES**

### ***FAR Part 15, Contracting by Negotiation —***

Besides major restructuring, there are significant changes to FAR part 15 to address long-term pain points for Government and Industry. Key new improvements and flexibilities to part 15 include:

- Logical Flow: The new framework replaces a topic-based structure with a more intuitive flow based on the acquisition life cycle.
- Consolidation: Concepts that were previously fragmented are now unified creating a more cohesive framework.
- Core Vocabulary Changes: Key terms are defined and standardized.
  - The term “discussions” is replaced with “negotiations.” The term “communications,” in the context of competitive range establishment, has been eliminated. The term “deficiency” is redefined.
  - The use of “clarifications” now includes robust guidelines for its application. Clarifications permit minor corrections but do not allow for proposal revision and cannot be used to cure proposal deficiencies or material omissions. The scope of permissible clarifications was expanded to include coverage that was previously limited to “communications” before establishing the competitive range. Clarifications may be conducted at any time after receipt of proposals through contract award irrespective of whether a competitive range has been established.
- Updated Rules of Engagement: Contracting officers must negotiate with each responsible offeror within the competitive range and may further negotiate with the offerors as needed. Having further negotiations with one offeror does not require the contracting officer to have further negotiations with other offerors. The deviation text provides guidance on industry communication through early exchanges and debriefing.
- Redefined Competitive Range: The competitive range is now clearly defined as “the group of evaluated proposals that the contracting officer determines are best suited for further negotiation” instead of “all of the most highly rated proposals.”
- Enhanced Clarity: The text has been revised for greater clarity. It employs more direct language and introduces explicit subheadings for complex topics.

Statutory requirements and presidential directives retained in the [RFO FAR part 15](#) model deviation include, but may not be limited to, the following:

- 6 United States Code (U.S.C.) § 394, Unsolicited Proposals
- 10 U.S.C. § 3206 and 41 U.S.C. § 3306(c), Evaluation Factors
- 10 U.S.C. §§ 3301 et seq and 41 U.S.C. §§ 3701 et seq, Awarding of Contracts
- 10 U.S.C. §§ 3701 et seq and 41 U.S.C. §§ 3501 et seq, Truth in Negotiations Act
- 41 U.S.C. § 2102, Prohibitions on Disclosing and Obtaining Procurement Information

See [Attachment \(c\)](#) for a table summarizing various key FAR part 15 retentions and changes because of the RFO part 15 model text deviation.

### ***FAR Part 16, Types of Contracts —***

FAR part 16 clarifies complicated policies and procedures for selecting contract type and gives the acquisition workforce new tools and flexibilities to support the guiding principles for the FAR System.

Key new improvements and flexibilities to part 16 include:

- **Innovative Contract Types** that empower contracting officers to use novel contract structures. Examples of innovative contract types are expected to be included in the FAR Companion and other strategic acquisition guidance.
- Significant **task and delivery order procedure simplification** that will help reduce administrative errors, enhance consistency, and streamline the ordering process for both federal buyers and multiple-award contract holders.
- **On-and-off ramps** to maintain current, competitive, and innovative pools of vendors on multiple-award contracts.
- **Blanket purchase agreements** are allowed for repetitive requirements under all multiple-award contracts, providing consistency with ordering procedures for Federal Supply Schedules.

Statutory requirements retained in the [RFO FAR part 16](#) model deviation include, but may not be limited to, the following:

- 10 U.S.C. §§ 3321 et seq and 41 U.S.C. §§ 3901 et seq, Specific Types of Contracts
- 10 U.S.C. §§ 3371 et seq, Undefined Contractual Actions
- 10 U.S. C. §§ 3401 et seq and 41 U.S.C §§ 4101 et seq, Task and Delivery Order Contracts
- 41 U.S.C. § 3302, Requirements for Purchase of Property and Services Pursuant to Multiple Award Contracts
- Public Law (Pub. L.) 109-364 Section 814 and 41 U.S.C § 4711, Linking of Award and Incentive Fees to Acquisition Outcomes

See [Attachment \(d\)](#) for a table summarizing various key FAR part 16 retentions and changes because of the RFO part 16 model text deviation.

### ***FAR Part 22, Application of Labor Laws to Government Acquisitions —***

FAR part 22 is restructured to align with the stages of the acquisition lifecycle. This reorganization will help acquisition teams apply the labor requirements during the correct stage of the procurement. The part is now shorter, with many sections combined to remove redundancy and duplicative language.

Importantly, the fundamental protections for workers remain the same. For example, contractors are still required to:

- Pay the correct prevailing wages for construction and service work
- Provide safe and sanitary working conditions
- Ensure equal opportunity for veterans
- Pay overtime correctly

Subpart 22.11, “**Professional Employee Compensation**” was not based on statute. This part, and the provision in 52.222-46, “Evaluation of Compensations for Professional Employees,” has been removed.

The model deviation text for this part does not cover the rescission of E.O. 14026, addressing minimum wage for federal contractors, made by E.O. 14236. For information of the rescission of E.O. 14026, see the Department of Labor’s website at <https://www.dol.gov/agencies/whd/government-contracts/eo14026>.

Statutory requirements and presidential directives retained in the [RFO FAR part 22 model deviation](#) include, but may not be limited to, the following:

- 8 U.S.C. § 1324a, Unlawful Employment of Aliens
- 18 U.S.C. § 874, Kickbacks from Public Works Employees
- 22 U.S.C. §§ 7101 et seq, Trafficking Victims Protection
- 29 U.S.C. §§ 201 et seq, Fair Labor Standards
- 29 U.S.C. § 793, Employment Under Federal Contracts
- 38 U.S.C. § 4212, Veterans’ Employment Emphasis Under Federal Contracts
- 40 U.S.C. §§ 3141 et seq, Wage Rate Requirements
- 40 U.S.C. §§ 3701 et seq, Contract Work Hours and Safety Standards
- 41 U.S.C. § 6502, Required Contract Terms
- 41 U.S.C. §§ 6701 et seq, Service Contract Labor Standards
- E.O. 11755, Relating to Prison Labor, as amended by E.O.s 12608 and 12943
- E.O. 13126, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor
- E.O. 13496, Notification of Employee Rights Under Federal Labor Laws
- E.O. 13706, Establishing Paid Sick Leave for Federal Contractors
- E.O. 14063, Use of Project Labor Agreements for Federal Construction Projects

See [Attachment \(e\)](#) for a table summarizing various key FAR part 22 retentions and changes because of the RFO part 22 model text deviation.

### ***FAR Part 23, Sustainable Acquisition, Material Safety, and Pollution Prevention —***

FAR part 23 has been revised to enhance clarity and efficiency, and to ensure compliance with current statutory requirements. The updated FAR part maintains existing statutory mandates for energy efficiency, biobased products, energy savings performance contracts, hazardous material identification, and pollution prevention. Requirements related to clean energy and

waste reduction, previously driven by the now-revoked E.O. 14057, have been removed.

Statutory requirements retained in the [RFO FAR part 23 model deviation](#) include, but may not be limited to, the following:

- 7 U.S.C. § 8102, Biobased Markets Program
- 42 U.S.C. § 6361, Federal Energy Conservation Programs
- 42 U.S.C. § 6962, Resource Conservation and Recovery Act of 1976
- 42 U.S.C. § 8295b, Federal Procurement of Energy Efficient Products
- 42 U.S.C. §§ 7671 et seq, Stratospheric Ozone Protection
- 42 U.S.C. §§ 13101 et seq, Pollution Prevention Act of 1990

See [Attachment \(f\)](#) for a table summarizing various key FAR part 23 retentions and changes because of the RFO part 23 model text deviation.

**RECOMMENDATION**

FAR 1.404(a) authorizes the approval of class deviations by the agency head or his or her designee. The Commissioner delegated this authority to grant deviation requests to the Chief Financial Officer for the Office of Finance and Management.

I recommend approval of the subject class deviations under the authority of FAR 1.404(a), E.O. 14275, and OMB Memorandum M-25-26.

**DECISION**

Concurrence with the class deviation is:

Concurred  Opposed

Bruce Starr  
 Bruce Starr  
 Head of Strategic Sourcing  
 for Finance and Management

1/28/2026  
 Date

Approval of the class deviation is:

Approved  Disapproved

  
Thomas J. Holland  
 Chief Financial Officer  
 for Finance and Management

2/19/2026  
 Date

**Attachments**

(a) E.O 14275



E.O. 14275.pdf

(b) OMB Memorandum M-25-26



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(c) Table – Summary of RFO Part 15 Deviation Changes



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(d) Table – Summary of RFO Part 16 Deviation Changes



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(e) Table – Summary of RFO Part 22 Deviation Changes



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(f) Table – Summary of RFO Part 23 Deviation Changes



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