

Class Deviation for Federal Acquisition Regulation Part 16 in accordance with Executive Order 14275, “Restoring Common Sense to the Federal Procurement” (2026-0017)

1. Purpose: To issue a class deviation to Federal Acquisition Regulation (FAR) Part 16 for purposes of implementing the FAR Council’s model deviation text to FAR Part 16.

2. Effective Date: Immediately.

3. Expiration Date: Expires when the FAR Council’s model deviation text to FAR Part 16 is incorporated into the FAR or this class deviation is otherwise rescinded.

4. Background: On April 15, 2025, the [Executive Order \(EO\) 14275, Restoring Common Sense to Federal Procurement](#), was signed. Section 2 of the EO 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- Remove duplicative or outdated language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.

5. Summary of Changes: FAR Part 16, *Types of Contracts*, 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 Part 16 improvements and flexibility 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.

- Additionally, the supplemental changes from the supplemental RFO model deviation issued July 1, 2026 are incorporated.

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
- Pub. L. 109-364 Section 814 and 41 U.S.C. § 4711, Linking of Award and Incentive Fees to Acquisition Outcomes
- Executive Order 14402, Promoting Efficiency, Accountability, and Performance in Federal Contracting

Change	Description
Retained	• 16.001, “Definitions”, is retained without changes. • All provisions and clauses have been retained (or remain reserved) with no changes except for four noted in the “Moved/Updated” section below.
Moved/ Updated	• 16.000, “Scope of Part”, is updated to add an important new sentence: “Except for limited instructions regarding the placement of task and delivery orders, the entirety of this part applies to the pre-solicitation phase and is meant to guide in acquisition planning.” • Subpart 16.1, “Selecting Contract Types”, has been significantly restructured to consolidate policies, emphasize documentation, and provide greater flexibility to contracting officers. • 16.101(a), “Policies”, clarifies that “contract types that promote the best interests of the Government, but are not described in this regulation, are permitted for use in accordance with agency procedures”. ○ This replaces the more restrictive policy in the former 16.102(b), which stated that unlisted contract types “shall not be used, except as a deviation under subpart 1.4”. ○ This update represents a deliberate shift from a restrictive to a permissive framework, empowering contracting officers to use novel and innovative contract structures consistent with the “Guiding Principles for the System” in RFO FAR 1.102.

	• 16.102, “Negotiating Contract Type”, is updated to establish fixed-price contracts as the default and preferred contract type, and states if a fixed-price contract type is not appropriate for an entire contract, consider whether a portion of the contract can be established on a fixed-price basis. • 16.103, “Documenting Contract type”, is updated to establish a requirement to document why a level-of-effort, price redetermination, or fee provision was included; and why an other than a fixed price contract is appropriate. • Section 16.104, Solicitation Provision, is replaced with a new section that establishes the regulatory framework for implementing the requirements of E.O. 14402. ○ Creates a new definition: a covered contract or order means a contract or order that is 1) other than fixed-price, 2) firm-fixed-price, level of effort term, or 3) a hybrid contract that includes an other than fixed-price or a firm-fixed-price, level of effort term element. ○ Establishes a mandatory written justification for covered contracts or orders. ○ Establishes agency-specific procurement dollar thresholds for when a written justification must be approved by the agency head, for covered contracts or orders valued at or above the following thresholds, unless an exception applies: ▪ \$100 million, for DoD. ▪ \$35 million, for NASA. ▪ \$25 million, for Department of Homeland Security. ▪ \$10 million, for all other agencies. ○ Establishes considerations, procedures, and exceptions regarding the justification, to include: ▪ Hybrid contracts or orders. When multiple contract types appear in the same contract or order, a justification is required when the value of the other than fixed-price or firm-fixed-price, level-of-effort term portion meets or exceeds the thresholds. ▪ Single-award indefinite-delivery contracts. A single award indefinite-delivery contract is a covered contract if the estimated total value of the known and forecasted covered orders meets or exceeds the thresholds. Use the contract ceiling price if the contract only allows for covered orders. ▪ Blanket purchase agreements. The head of the agency decides whether the justification requirement applies when the blanket purchase agreement (BPA) is
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	awarded, or when each order under the BPA is placed. ▪ Exceptions. The justification requirement does not apply to: • Multiple-award contracts. But task orders, delivery orders, and BPAs under such contracts do require a justification; • Acquisitions to support a response to an emergency, major disaster, or contingency operation; • Acquisitions for research and development contracts or orders; or • Acquisitions for pre-production development for a major system acquisition. • New Section 16.105, Solicitation Provision, is added to reflect solicitation provision previously found in 16.104. ○ 52.216-1, (Provision), reflects updated cross-reference to 16.105 • Subpart 16.2, “Fixed-Price Contracts”, is retained and streamlined to include updated guidance for ease of the reader. • Subpart 16.3, “Cost-Reimbursement Contracts”, has been substantially streamlined and reorganized by consolidating descriptions and relocating all incentive-based contract types to subpart 16.4, “Incentive Contracts”. This restructuring declutters the subpart by removing redundant text and consolidating guidance for complex incentive contract types. ○ New 16.302, “Cost contracts”, and 16.303, “Cost-sharing contracts”, are reduced to single-sentence descriptions, whereas the former text included separate subsections for “Description”, “Application”, and “Limitations”. ○ The content for “Cost-Plus-Incentive-Fee” (former 16.304) and “Cost-Plus-Award-Fee” (former 16.305) contracts has been deleted from this subpart and moved to 16.405 and 16.402-3, respectively. • Subpart 16.4, “Incentive Contracts”, has undergone a complete reorganization to consolidate all incentive-related policies and contract type descriptions into a single subpart. The changes centralize content, particularly for award-fee contracts, to ensure consistent application. • Subpart 16.5, “Indefinite-Delivery Contracts”, has been revised to clearly outline for the acquisition workforce the types of task and delivery order contracts and how to utilize them.
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	• 16.504-4, “On-ramps and off-ramps”, is a new subsection that authorizes “on-ramping” (adding new contractors) and “off-ramping” (removing contractors) from a multiple-award contract during its ordering period. • The content of the former 16.505, “Ordering”, is now distributed across three new sections: ○ New 16.506, “Postaward Procedures for Placement of Task and Delivery Orders”, consolidates the general administrative requirements for contents of orders (formerly in 16.505(a)(7)) and other general post-award rules. ○ New 16.507, “Additional ordering procedures for multiple-award contracts”, is now the central location for all rules related to the requirement to provide fair opportunity to be considered for orders or Blanket Purchase Agreements (BPA). It is broken down by dollar value and contains the rules for orders below the micro-purchase threshold (MPT), fair opportunity for orders and BPAs above the MPT, exceptions to fair opportunity, brand-name justifications, and the new authorization for BPAs. ▪ 16.507-2(a)(2), under “Fair opportunity procedures”, emphasizes that the contracting officer has broad discretion to develop appropriate order placement procedures and encourages innovative techniques highlighted in the Periodic Table of Acquisition Innovations. ▪ 16.507-2(c)(3), “Blanket Purchase Agreements”, is a new subsection that explicitly authorizes the establishment of BPAs under multiple-award IDIQ contracts to fill repetitive needs, if authorized in the master contract. • Note - Contracting Officers must establish ordering procedures in the BPA that ensure BPA holders (but not other multiple-award contractors) are provided the fair opportunity procedures in 16.507-3 through -5. ▪ 16.507-3 through -5 consolidate fair opportunity procedures and documentation requirements for orders valued above the MPT, above the SAT, and above \$7.5 million (\$6 million prior to October 1, 2025). ▪ 16.507-4(a), clarifies the requirement to provide fair notice of intent to place an order for orders or BPAs valued above the SAT.
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	▪ 16.507-5(a) clarifies additional fair notice requirements for orders or BPAs valued above \$7.5 million (\$6 million prior to October 1, 2025) (previously at 16.505(b)(1)(iii)-(iv)). ○ New 16.508, “Protests of orders”, consolidates all rules regarding the protest of task and delivery orders (previously at 16.505(a)(10)). • Subpart 16.6, “Time-and-Materials, Labor-Hour, and Letter Contracts” is improved for readability and to provide clarity on these high-risk contract types. • Subpart 16.7, “Agreements”, is updated with structural formatting updates to improve clarity. • The following provision and clauses have been updated to reflect plain language, update cross-references, or to correspond with updates made within the part: ○ 52.216-1 (Provision), Type of Contract ○ 52.216-7 (Clause), Allowable Cost and Payment ○ 52.216-21 (Clause), Requirements ○ 52.216-22 (Clause), Indefinite Quantity • The following sections were updated to include a written justification approval requirement: ○ 16.206-3, Firm-Fixed-Price, Level-Of-Effort Term Contracts Limitations, ○ 16.301-3, Cost-Reimbursement Contracts Limitations, ○ 16.401-2, Incentive Contracts Limitations, ○ 16.402-2, Award-Fee Contracts Limitations, ○ 16.601-3, Time-and-Materials Contracts Limitations, ○ 16.603-3, Letter Contracts Limitations • The FAR Companion is expected to include best practice information on the following: ○ Selecting contract types ○ Factors in selecting contract type ○ Guidance when ceiling prices are established for fixed-price contracts with prospective price redetermination ○ Guidance on cost controls of fixed-ceiling-price contracts with retroactive price redetermination ○ Guidance on when to consider use of a completion or term form of a cost-plus-fixed-fee contract ○ Guidance on application of technical performance incentives ○ Guidance on structuring and applying firm and successive target fixed-price incentive contracts ○ Guidance on application of cost-plus-incentive fee contracts
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Removed	• Obsolete American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) (ARRA) Provision (from former 16.505(a)(11)): All requirements related to publicizing orders funded by the ARRA have been removed as obsolete.
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The preceding table is not an exhaustive list.

6. Required Action: The CFPB acquisition workforce shall follow the RFO Part 16 model deviation text instead of FAR Part 16 as codified at 48 CFR Chapter 1. The Council's RFO Part 16 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul) and is incorporated into this class deviation.

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.

To support EO 14402 justification requirement implementation, the FAR Council has published guidance via a [FAR Council Memorandum](#).

FAR Council Memorandum Guidance: Implementation timing:

Acquisition Stage	Timing of Justification
Solicitations issued on or after July 15, 2026	Must be approved prior to the release of the solicitation
Solicitations issued before July 15, 2026 , but resulting contracts or orders awarded on or after July 15, 2026	Should be approved no later than July 15, 2027
Existing contracts and orders, if the remaining period of performance (including options) is at least eighteen (18) months as of July 15, 2026	Should be approved no later than July 15, 2027

Contracting Officers for multiple award contract vehicles established prior to the effective date of this deviation, using Part 16 procedures, are encouraged to modify existing contracts to allow for the establishment of BPAs (see 16.504-5(h)(2)).

Contracting activities must review templates and related standard operating procedures to align with this deviation and remove unnecessary processes and steps.

7. Applicability: This class deviation applies to all CFPB procurements.

8. Authority: This deviation is issued under the authority of Executive Order 14275, OMB Memo M-25-26, 48 CFR 1.4 and RFO FAR 1.304.

9. Point of Contact: If you have any questions, please contact Vanessa del Toro at vanessa.deltoro@cfpb.gov.

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