

UNITED STATES GOVERNMENT
National Labor Relations Board



Memorandum

September 4 2026

TO: ACQUISITIONS MANAGEMENT BRANCH PERSONNEL

FROM: Isabel Luengo McConnell, Procurement Executive
National Labor Relations Board

A handwritten signature in black ink, appearing to read "Isabel Luengo McConnell", is written over the printed name.

SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 41 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

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1. **Effective Date:** Immediately
 2. **Expiration Date:** This Class Deviation remains in effect until the changes described herein are incorporated in the FAR, superseded, or otherwise rescinded.
 3. **Purpose:** This memorandum approves a class deviation to FAR Part 41 for purposes of implementing the FAR Council's model deviation text to FAR Part 41.
 4. **Authority:** This class deviation is issued under the authority of Executive Order (*E.O.*) 14275, *OMB M-25- 25*, and 48 CFR Subpart 1.4.
 5. **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- Remove duplicative or outdated language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 more plain language
- Revise the 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.

- 6. Summary of Changes:** FAR Part 41, *Acquisition of Utility Services*, has been retained, streamlined, and improved for clarity. All subparts have been retained. Plain language edits or other updates have been made throughout the part to remove unnecessary information or otherwise clarify the content. All clauses and provisions are retained.

Notably, the definition of “utility service” is updated. Services such as broadband internet and information technology services, which were nascent or nonexistent when the original regulation was drafted, are now explicitly carved out. This prevents agencies from incorrectly applying utility acquisition procedures. This change reduces the risk of improper sole-source justifications and promotes full and open competition in those dynamic markets.

Statutory requirements retained in the RFO FAR part 41 model deviation include, but may not be limited to, the following:

- 40 U.S.C. § 501, Services for Executive Agencies
- 42 U.S.C. § 2204, Electric Utility Contracts
- 42 U.S.C. §§ 7251 et. seq., Department of Energy Organization Act
- 42 U.S.C. § 8287, Authority to Enter into Contracts.

- 7. Instructions:** National Labor Relations Board (NLRB) acquisition workforce shall follow the RFO Part 41 model deviation text instead of FAR Part 41 as codified at 48 CFR Chapter 1. The FAR Council’s RFO Part 41 model deviation text is available at *Acquisition.gov*, under the “[FAR Overhaul](#)” link.

Do not include any of the removed provisions or clauses in future solicitations and contracts.

For open solicitations or awarded contracts, the contracting officer has discretion regarding the need to enforce or amend the provisions or clauses.

- 8. Applicability:** This deviation applies to all NLRB solicitations and new contracts as of September 2, 2026. This deviation does not apply to contracts signed and executed on or before September 2, 2026.
- 9. Point of Contact:** Questions or comments on this class deviation may be directed to Delfina St. Clair, Director, Acquisitions Management Branch, at Delfina.St.Clair@nlrb.gov.