




UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY
1400 K STREET N.W. • WASHINGTON, D.C. 20424
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MEMORANDUM

DATE: March 17, 2025

FROM: Michael Jeffries 
Senior Procurement Executive (SPE)
Executive Director
Office of the Executive Director

TO: Federal Labor Relations Authority (FLRA) Contracting, Administrative Services Division

SUBJECT: Class Deviation (CD) to Implement the President's Executive Orders 14173, 14168, 14148, and 14208 in accordance with CAAC Letters 2025-01 Supplement 1 and 2025-02 Supplement 1

- 1. Background:** On February 15, 2025, the Chair of the Civilian Agency Acquisition Council (CAAC) issued CAAC Letters 2025-01 and 2025-02 to authorize agencies to issue their own class deviations in order to comply with Executive Orders 14173,¹ 14168,² 14148,³ and 14208⁴. On February 18, 2025, the CAAC issued CAAC Letters 2025-01 Supplement 1 and 2025-02 Supplement 1 to correct certain language, provisions, and clauses from the original CAAC Letters.

The CAAC Letters recommend that Federal civilian agencies: (1) use revised FAR definitions and procedures in FAR Parts 2, 11, 18, 23, and 37; (2) disuse certain provisions and clauses in new solicitations and clauses; (3) use updated provisions and clauses in new solicitations and contracts, (4) amend open solicitations to update the provisions and clauses, (5) determine the best means conform existing contracts with the Executive Orders listed above, and (6) develop FAR deviation and acquisition workforce guidance related to the Executive Orders listed above.

Pursuant to Federal Acquisition Regulation (FAR) 1.404 this CD implements the CAAC Letters while rulemaking is conducted to update the FAR.

¹ [Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#) (Jan. 21, 2025).

² [Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#) (Jan. 20, 2025).

³ [Initial Rescissions of Harmful Executive Orders and Actions](#) (Jan. 20, 2025).

⁴ [Ending Procurement and Forced Use of Paper Straws](#) (Feb. 10, 2025).

2. Actions Required:

Effective immediately, FLRA contracting staff must comply with the following:

- a. Use the revised definitions in FAR Part 2 and follow the revised procedures in FAR Parts 11, 18, 23, and 37.
- b. When issuing new solicitations or contracts **do not include** any of the following provisions and clauses:
 - 52.204-8 Annual Representations and Certifications (JAN 2025)
 - 52.212-3 Offeror Representations and Certifications—Commercial Products and Commercial Services (MAY 2024)
 - 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Products and Commercial Services (JAN 2025)
 - 52.213-4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services) (JAN 2025)
 - 52.222-9 Apprentices and Trainees (JULY 2005)
 - 52.222-21 Prohibition of Segregated Facilities (APR 2015)
 - 52.222-22 Previous Contracts and Compliance Reports (FEB 1999)
 - 52.222-23 Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction (FEB 1999)
 - 52.222-24 Preaward On-Site Equal Opportunity Compliance Evaluation (FEB 1999)
 - 52.222-25 Affirmative Action Compliance (APR 1984)
 - 52.222-26 Equal Opportunity (SEPT 2016)
 - 52.222-27 Affirmative Action Compliance Requirements for Construction (APR 2015)
 - 52.222-29 Notification of Visa Denial (APR 2015)
 - 52.223-1 Biobased Product Certification (MAY 2024)
 - 52.223-2 Reporting of Biobased Products Under Service and Construction Contracts (MAY 2024)
 - 52.223-10 Waste Reduction Program (MAY 2024)
 - 52.223-19 Compliance with Environmental Management Systems (MAY 2011)
 - 52.223-22 Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation (DEC 2016)
 - 52.223-23 Sustainable Products and Services (MAY 2024)
- c. When issuing new solicitations or contracts **include** the following provisions and clauses, if applicable:
 - 52.204-8 Annual Representations and Certifications (JAN 2025) (DEVIATION FEB 2025)
 - 52.212-3 Offeror Representations and Certifications—Commercial Products and Commercial Services (MAY 2024) (DEVIATION FEB 2025)

- 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Products and Commercial Services (JAN 2025) (DEVIATION FEB 2025)
- 52.213-4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services) (JAN 2025) (DEVIATION FEB 2025)
- 52.222-6 Construction Wage Rate Requirements (AUG 2018) (DEVIATION FEB 2025)
- 52.222-11 Subcontracts (Labor Standards) (MAY 2014) (DEVIATION FEB 2025)
- 52.222-12 Contract Termination—Debarment (MAY 2014) (DEVIATION FEB 2025)
- 52.244-6 Subcontracts for Commercial Products and Commercial Services (JAN 2025) (DEVIATION FEB 2025)
- 52.223-1 Biobased Product Certification (MAY 2024) (DEVIATION FEB 2025)
- 52.223-2 Reporting of Biobased Products Under Service and Construction Contracts (MAY 2024) (DEVIATION FEB 2025)
- 52.223-10 Waste Reduction Program (MAY 2024) (DEVIATION FEB 2025)
- 52.223-23 Sustainable Products and Services (MAY 2024) (DEVIATION FEB 2025)

d. Any open solicitations **shall be amended** to include these required provisions and clauses.

e. **When issuing new solicitations INCLUDE the following notice:**

“System updates may lag policy updates. The System for Award Management (SAM) may continue to require entities to complete representations based on provisions that are not included in agency solicitations. Examples include 52.222-25, Affirmative Action Compliance, and paragraph (d) of 52.212-3, Offeror Representations and Certifications—Commercial Products and Commercial Services. Contracting officers will not consider these representations when making award decisions or enforce requirements. Entities are not required to, nor are they able to, update their entity registration to remove these representations in SAM.

f. **For Existing Contracts**, the Head of the Contracting Activity (HCA) shall issue appropriate guidance for when modifications are required to comply with this deviation. At a minimum, COs shall provide a copy of this FAR class deviation to contractors with contracts that have more than six months remaining under the period of performance and ensure the contract incorporates the new language and removes the rescinded language at the next modification.

3. **Applicability:** This CD is applicable to all solicitations and contracts (*see* definition of contract at FAR 2.101).

- 4. Expiration Date:** This CD will remain in effect until it is incorporated into the FAR or is otherwise rescinded, whichever occurs first.

ATTACHMENTS

- Attachment 1 – CAAC Letter 2025-01 Supplement 1
Attachment 2 – CAAC Letter 2025-02 Supplement 1