

**Class Deviation for Federal Acquisition Regulation Part 22 in accordance with Executive Order 14275, “Restoring Common Sense to the Federal Procurement”
(2026-0016)**

1. Purpose: To issue a class deviation to Federal Acquisition Regulation (FAR) Part 22 for purposes of implementing the FAR Council’s model deviation text to FAR Part 22.

2. Effective Date: Immediately.

3. Expiration Date: Expires when the FAR Council’s model deviation text to FAR Part 22 is incorporated into the FAR or this class deviation is otherwise rescinded.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- Remove duplicative or outdated language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 22, *Application of Labor Laws to Government Acquisitions*, 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:

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.

Subpart 22.22 - Addressing DEI Discrimination by Federal Contractors to implement E.O. 14398. As prescribed in section 22.2203, new clause [52.222-90](#), Addressing DEI Discrimination by Federal Contractors, to be added as applicable for contracts and subcontracts valued over the micro-purchase threshold, including those for commercial products and commercial services, and for which the place of delivery or performance is in the United States.

The model deviation text for this part does not cover the rescission of Executive Order (E.O.) 14026, addressing minimum wage for federal contractors, made by E.O. 14236. For information on 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 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
- 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
- E.O. 14398, Addressing DEI Discrimination by Federal Contractors

Change	Description
New	<ul style="list-style-type: none"> • 52.222-90 (Clause), Addressing DEI Discrimination by Federal Contractors
Retained	<ul style="list-style-type: none"> • Subpart 22.7 remains reserved. • Subpart 22.12 remains reserved. • Subpart 22.20 remains reserved.

	<ul style="list-style-type: none"> Numerous provisions and clauses are retained (or remain reserved) with no changes. For readability of this document, all retained provisions and clauses are not listed. Updated and deleted provisions and clauses are listed below.
Moved/ Updated	<ul style="list-style-type: none"> Section 22.001, “Definitions”, is updated to centralize definitions that were previously scattered throughout the part, make conforming edits to existing definitions to reflect the new part structure, and make other updates to modernize or streamline the definitions as appropriate. <ul style="list-style-type: none"> The definition of “Administrator” is revised to remove the full mailing address. The definition of “Normal workweek” is relocated from the former subsection 22.103-1. The definition of “Secretary” is relocated from section 22.1601 in order to standardize the term’s usage throughout the part. The definition of “Service contract” is updated to align the citations with the changes made to the part. Updated to include definitions for "program participation" and "racially discriminatory DEI activities" All subparts, unless otherwise noted, are updated and restructured. Content from former sections has been consolidated and relocated into new sections that reflect the acquisition lifecycle (e.g., Presolicitation, Evaluation and Award, Postaward). Subsection 22.201-1, “General”, streamlines the detailed explanatory text from Executive Order 11755, which was quoted at length in the former 22.201. The section now simply states that the Executive Order “does not prohibit the contractor... from employing certain persons as stated in paragraph (b) of the clause at 52.222-3, Convict Labor”. This change streamlines the regulation by relying on the text of the contract clause itself to provide the specific requirements, rather than repeating them in the FAR text. Section 22.401, “Definitions”, revises and harmonizes the definition of “Laborers or mechanics” with the definition used in Subpart 22.3. The updated definition in this section explicitly includes “firefighters, fireguards, and workmen who perform services in connection with dredging or rock excavation in rivers or harbors” and excludes “any employee employed as a seaman”. This creates greater consistency across related subparts. Paragraph (d) under subsection 22.402-3, “Construction Wage Rate Requirements Statute” retains the direction (previously at 22.404-2(c)(5)) for contracting officers to seek assistance from the Administrator of the Wage and Hour Division in cases of doubt as to the proper application of wage rate schedules. The detailed guidance for selecting the proper schedule of wage rates (e.g., Building, Residential, Highway, Heavy) has been removed. Section 22.1303, “Evaluation and Award”, under subpart 22.13, “Equal Opportunity for Veterans”, removes the option to contact VETS-4212 customer support (previously at 22.1304(b)) to verify if a proposed

contractor is current with its VETS-4212 Report. Now, contracting officer must query the **VETS-4212 database**.

- The following **provisions and clauses** are updated for clarity, to mirror updates made throughout the part, and/or to update cross references or remove outdated content: 52.222-4 (Clause), Contract Work Hours and Safety Standards—Overtime Compensation
 - 52.222-6 (Clause), Construction Wage Rate Requirements
 - 52.222-11 (Clause), Subcontracts (Labor Standards)
 - 52.222-19 (Clause), Child Labor—Cooperation with Authorities and Remedies
 - 52.222-20 (Clause), Contracts for Materials, Supplies, Articles, and Equipment
 - 52.222-35 (Clause), Equal Opportunity for Veterans
 - 52.222-36 (Clause), Equal Opportunity for Workers with Disabilities
 - 52.222-37 (Clause), Employment Reports on Veterans
 - 52.222-48 (Provision), Exemption From Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Certification
 - Alternate I to 52.222-50 (Clause), Combating Trafficking in Persons
 - 52.222-52 (Provision), Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Certification
 - 52.222-53 (Clause), Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements
 - 52.222-54 (Clause), Employment Eligibility Verification
- The FAR Companion is expected to include best practices and guidance on the following:
 - Definitions not included in the deviated text
 - Department of Labor regulations involving construction
 - Construction Wage Rate Requirements statute wage determinations
 - Types of wage determinations
 - Wage determinations, general requirements
 - Notification of improper wage determination before award
 - Examinations of payrolls and payroll statements
 - Disposition of disputes concerning construction contract labor standards enforcement
 - Requirement to obtain wage determinations
 - Administrative limitations, variations, tolerances, and exemptions
 - Examples of contracts covered by the Service Contract Labor Standards statute
 - Repair distinguished from remanufacturing of equipment
 - Department of Labor responsibilities and regulations
 - Obtaining wage determinations
 - Successorship with incumbent contractor collective bargaining agreement

	<ul style="list-style-type: none"> ○ All possible places of performance not identified ● The FAR Companion is expected to include best practice information on the following moved content that is not statutorily required: <ul style="list-style-type: none"> ○ Subsection 14.201-8, “Price-related factors” ○ Section 14.208, “Amendment of invitation for bids” ○ Section 14.202-1, “Bidding time” ○ Section 14.207, “Pre-bid conference” ○ Section 14.209, “Cancellation of invitations before opening” ○ Subsection 14.407-2(b) and (c), “Apparent clerical mistakes” regarding corrections ○ Subsection 14.404-1(d), “Cancellation of invitations after opening” regarding extensions ○ Subsection 14.408-1(b), “General” regarding a limited number of bids.
Removed	<ul style="list-style-type: none"> ● The definitions of “Wage and Hour Division” and “Wage Determination” formerly at section 22.1001, are removed and expected to be included in the FAR Companion ● Subpart 22.8, “Equal Employment Opportunity”, is removed and marked reserved to comply with E.O. 14173, <i>Ending Illegal Discrimination and Restoring Merit-Based Opportunity</i>. ● Subpart 22.11, “Professional Employee Compensation” is removed and marked reserved. This subpart was not based on statute. ● The following provisions and clauses are removed and marked reserved to comply with E.O. 14173 or because they are not required by statute or essential to sound procurement: <ul style="list-style-type: none"> ○ 52.222-21 (Clause), Prohibition of segregated facilities ○ 52.222-22 (Provision), Previous Contracts and Compliance Reports ○ 52.222-23 (Provision), Notice of Requirement for Affirmative Action To Ensure Equal Employment Opportunity for Construction ○ 52.222-24 (Provision), Preaward On-Site Equal Opportunity Compliance Evaluation ○ 52.222-25 (Provision), Affirmative Action Compliance ○ 52.222-26 (Clause), Equal Opportunity ○ 52.222-27 (Clause), Affirmative Action Compliance Requirements for Construction ○ 52.222-29 (Clause), Notification of Visa Denial ○ 52.222-28 (Provision), Compliance with Veterans’ Employment Reporting Requirements ○ 52.222-46 (Provision), Evaluation of Compensation for Professional Employees

The preceding table is not an exhaustive list.

6. Required Action: The CFPB acquisition workforce shall follow the RFO Part 22 model deviation text instead of FAR Part 22 and 52 as codified at 48 CFR Chapter 1. The Council's RFO Part 22 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul) and is incorporated into this class deviation. The CFPB acquisition workforce shall also use the definitions (Part 2 – Definitions of Words and Terms) found on [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul).

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 available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul).

In addition, insert the clause at FAR 52.222-90 in new solicitations and resulting contracts valued over the micro-purchase threshold, including those for commercial products and commercial services, and for which the place of delivery or performance is in the United States. In accordance with FAR 1.107(d), amend any open solicitations to incorporate the clause.

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.

However, insert the clause at FAR 52.222-90 in all existing contracts (i.e., definitive contracts and indefinite-delivery contracts) valued over the micro-purchase threshold, including those for commercial products and commercial services, and for which the place of delivery or performance is in the United States. In accordance with FAR 1.107(d) (May 2, 2025 deviation), contracting officers must make every effort to bilaterally modify existing contracts by July 24, 2026. If a contractor refuses to agree to a bilateral modification, the contracting officer should consider whether, absent the modification, the contract no longer meets the agency's needs and should therefore be terminated for convenience. Modifying contracts with a final expiration no later than December 31, 2026, is at contracting officer's discretion.

Contracting activities must review templates and related standard operating procedures to align with this class 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, Supervisory Contracting Officer, at vanessa.deltoro@cfpb.gov.

Jafnar Gueye

Assistant Director and Senior Procurement Executive, Office of Finance and Procurement