

**Class Deviation for Federal Acquisition Regulation Part 9 in accordance with Executive Order 14275, “Restoring Common Sense to the Federal Procurement” (2026-0008)**

**1. Purpose:** To issue a class deviation to Federal Acquisition Regulation (FAR) Part 9 for purposes of implementing the FAR Council’s model deviation text to FAR Part 9.

**2. Effective Date:** Immediately.

**3. Expiration Date:** Expires when the FAR Council’s model deviation text to FAR Part 9 is incorporated into the FAR or this class deviation is otherwise rescinded.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- Remove duplicative or outdated language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 9 establishes the standards and procedures for determining contractor responsibility and eligibility for federal contracts, ensuring that only qualified, reliable contractors receive government awards. It protects the government’s interests by requiring contractors to demonstrate they have adequate financial resources, technical capability, integrity, and past performance to successfully fulfill contract requirements.

Statutory requirements retained in the RFO FAR Part 9 model deviation include, but are not limited to, the following:

- 6 U.S.C. § 395, Prohibition on Contracts with Corporate Expatriates
- 10 U.S.C. § 3206 and 41 U.S.C. § 3306, Planning and Solicitation Requirements
- 10 U.S.C. § 3243 and 41 U.S.C. § 3311, Qualification Requirements
- 22 U.S.C. § 2593e, Measures Against Activities that Violate Arms Control Treaties
- 41 U.S.C. § 113, Responsible Source
- 41 U.S.C. § 2303, Ethics Safeguards Related to Contractor Conflicts of Interest
- 41 U.S.C. § 2304, Conflict of Interest Standards for Consultants
- 41 U.S.C. § 2313, Database for Suspension and Debarment Officials
- Pub. L. 103-355 Sec 2455, Uniform Suspension and Debarment Procurement of Covered Articles

- Pub. L. 111-84 Sec 815, Clarification of Uniform Suspension and Debarment Requirement
- Pub. L. 117-324, Preventing Organization Conflicts of Interest in Federal Acquisition
- E.O. 12549 and E.O. 12689, Debarment and Suspension
- E.O 14398, Addressing DEI Discrimination by Federal Contractors.

The following provisions and clauses have been updated to reflect plain language, update cross-references, or to correspond with updates made within the part:

Change	Description
<b>Retained</b>	<ul style="list-style-type: none"> <li>• Subparts 9.1, 9.2, and 9.3 are significantly streamlined with some shifting and reorganizing of sections and subsections throughout.</li> <li>• Subparts 9.4 “Debarment, Suspension, and Ineligibility”, and 9.5 “Organizational and Consultant Conflicts of Interest”, are retained and updated with plain language edits</li> </ul>
<b>New</b>	<ul style="list-style-type: none"> <li>• 52.222-90 (Clause), Addressing DEI Discrimination by Federal Contractors</li> </ul>
<b>Updated</b>	<ul style="list-style-type: none"> <li>• 52.209-1 (Clause), Qualification Requirements</li> <li>• 52.209-2 (Provision), Prohibition on Contracting with Inverted Domestic Corporations-Representation</li> <li>• 52.209-3 (Clause), First Article Approval-Contractor Testing <ul style="list-style-type: none"> <li>○ Note - The Alternates are not updated</li> </ul> </li> <li>• 52.209-4 (Clause), First Article Approval-Government Testing <ul style="list-style-type: none"> <li>○ Note - The Alternates are not updated</li> </ul> </li> <li>• 52.209-5 (Provision), Certification Regarding Responsibility Matters</li> <li>• 52.209-6 (Clause), Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, Proposed for Debarment, or Voluntarily Excluded</li> <li>• 52.209-7 (Provision) Information Regarding Responsibility Matters</li> <li>• 52.209-9 (Clause), Updates of Publicly Available Information Regarding Responsibility Matters</li> <li>• 52.209-10 (Clause), Prohibition on Contracting with Inverted Domestic Corporations</li> <li>• 52.209-11 (Provision), Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law</li> <li>• 52.209-13 (Provision) Violation of Arms Control Treaties or Agreements-Certification</li> </ul>
<b>Removed</b>	<ul style="list-style-type: none"> <li>• Section 9.000 “Scope of Part,” has been removed as the language was duplicative.</li> <li>• The definition of “Surveying activity” has been removed from section 9.101, “Definitions.”</li> <li>• Section 9.104-2 “Special Standards,” has been removed and may be moved to non-regulatory content.</li> <li>• Section 9.106 “Preaward Surveys,” has been removed and may be moved to non-regulatory content. This includes the reference to using the Standard Form 1403, Pre-award Survey of Prospective Contractor (General).</li> <li>• Section 9.107 “Surveys of Nonprofit Agencies Participating in the AbilityOne Program” has been removed. The AbilityOne Program is covered in Part 8 and nuances of pre-award surveys relevant to the AbilityOne Program are now covered in nonregulatory content.</li> <li>• Subpart 9.6 “Contractor Team Arrangements,” has been removed and may be moved to</li> </ul>

	non-regulatory content.
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- Subpart 9.7 “Defense Production Pools and Research and Development Pools”, has been removed and may be moved to non-regulatory content.

**6. Required Action:** The CFPB acquisition workforce shall follow the RFO Part 9 model deviation text instead of FAR Part 9 as codified at 48 CFR Chapter 1. The Council’s RFO Part 9 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 text language at RFO FAR Part 52 ([Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul)).

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.

**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](mailto:vanessa.deltoro@cfpb.gov).

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