



Class Deviation
RFO 2025-09
Supplement 26-02

April 27, 2026

MEMORANDUM FOR DEPARTMENT OF LABOR CONTRACTING OFFICERS

FROM: CARL V. CAMPBELL
Senior Procurement Executive

SUBJECT: Supplement to the FAR Class Deviations for FAR Parts 9, 12, and 22 in Support of Executive Order 14398, Addressing DEI Discrimination by Federal Contractors.

1. Purpose.

This supplement approves changes to the Revolutionary Federal Acquisition Regulation Overhaul (RFO) class deviations to Federal Acquisition Regulation (FAR) parts 9, 12, 22, and 52 for purposes of implementing the FAR Council's (the Council) updates to the model deviations to address the language described in Executive Order (E.O.) 14398.

2. Background.

- DOL issued [RFO-2025-09](#), [RFO-2025-12](#), and [RFO-2025-22](#), approving a class deviation to FAR parts 9, 12, and 22 for purposes of implementing the FAR Council's model deviation text for these FAR parts. These deviations became effective November 3, 2025.
- E.O. 14398 was issued on March 26, 2026, establishing that agencies should not do business with contractors that engage in any racially discriminatory diversity, equity, and inclusion (DEI) activities.
- In accordance with Section 5 of E.O. 14398, the Council issued a deviation to update

3. Summary of Changes.

- Part 9 - References the new clause and makes clear that failure to comply with the clause may result in debarment or suspension.
- Part 12 - Prescribes the new clause for commercial acquisition.

- Part 22 - Establishes the new policy and prescribes the new clause.
- Part 52 - Creates the new clause 52.222-90, Addressing DEI Discrimination by Federal Contractors (APR 2026), and adds this clause to the table of clauses required to be flowed down to subcontracts for commercial products or commercial services in clause 52.244-6 (APR 2026).

4. Instructions.

- The DOL acquisition workforce must follow the new model deviation text.
- Utilize the RFO model deviation language at [RFO FAR part 52](#).

5. Applicability.

This class deviation applies to all DOL procurements.

6. Authority.

This class deviation is issued under the authority of E.O. 142398, [OMB Memo M-25- 26](#), 48 CRF 1.4, and RFO FAR 1.304.

7. Effective Date.

This class deviation is effective immediately and remains in effect until rescinded or incorporated into the FAR.

8. Questions.

If you need clarification, you may email the OSPE Policy Branch at OSPE-Policy@dol.gov.

9. Attachment.

Attachment A – EO 14398 Amended FAR Text