



# UNITED STATES DEPARTMENT OF EDUCATION

## OFFICE OF FINANCE AND OPERATIONS

November 25, 2025

### ACQUISITION ALERT 2026-5

TO: Heads of Contracting Activities

FROM: Calvin J. Mitchell Jr. **CALVIN MITCHELL**  
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Senior Procurement Executive

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Date: 2025.11.25 09:47:22 -05'00'

SUBJECT: FAR Class Deviation for FAR Part 13 in Support of Executive Order on Restoring Common Sense to Federal Procurement

1. **Purpose.** This Acquisition Alert (AA) adopts a class deviation to Federal Acquisition Regulation (FAR) Part 13 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 13.
2. **Background.** On April 15, 2025, the 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." On May 31, 2025, the enclosed class deviation was issued for the use of all Revolutionary FAR Overhaul (RFO) model deviation texts and corresponding EDAR deviations.
3. **Summary of Changes.** FAR Part 13 is renamed from "Simplified Acquisition Procedures" to "Simplified Procedures for Non-commercial Acquisitions". The part has been significantly changed:
  - **From a focus on:** Simplified procedures for the acquisition of commercial products and commercial services
  - **To a focus on:** Simplified procedures for the acquisition of noncommercial products and services valued at or below the simplified acquisition threshold (SAT).

The procedures in this part may be used only if:

- There are no commercial products or commercial services that can satisfy the agency's needs (see RFO Part 12)
- The supplies or services are not available from a required source (see RFO Part 8)

It's important to note that some statutory text and other text essential to support sound

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procurement has been or will be moved to other RFO FAR parts, to include:

- Definition of governmentwide commercial purchase card (RFO Part 2)
- Simplified procedures for procuring commercial items (RFO Part 12)
- Price or cost evaluation factor for multiple-award contracts (RFO Part 16)
- Advance payments for subscriptions and fast payment procedures (RFO Part 32).

Statutory requirements retained in the RFO FAR Part 13 model deviation include, but may not be limited to, the following:

- 41 U.S.C. §§ 1901-1905, Simplified Acquisition Procedures
- 41 U.S.C. § 3305 and 10 U.S.C. § 3205, Simplified Procedures for Small Purchases
- 41 U.S.C. § 3306 and 10 U.S.C. § 3206, Planning and Solicitation Requirements

Change	Description
<b>Retained</b>	<ul style="list-style-type: none"> <li>• 13.001, “<b>Applicability</b>”, retains the prohibition on splitting requirements to stay below the SAT.</li> <li>• 13.101, “<b>Competition</b>”, retains the requirement that agencies <b>must promote competition to the maximum extent practicable</b> when procuring noncommercial products and services valued at or below the SAT.</li> <li>• 13.102, “<b>Small Business</b>”, retains the requirement that acquisitions of supplies or services with an anticipated dollar value above the MPT, but at or below the SAT, <b>must be set aside for small business concerns</b>.</li> <li>• 13.301, “<b>Notifications</b>”, consolidates instructions for notifying unsuccessful quoters. It retains award notice posting requirements of FAR subpart 5.3 and brief explanations.</li> <li>• 13.302, “<b>Cancellations and Terminations</b>”, provides a clear distinction between canceling an unaccepted purchase order and terminating an accepted purchase order and directs the contracting officer to FAR Part 49 or clause 52.213-4 for terminations.</li> </ul>
<b>Moved</b>	<ul style="list-style-type: none"> <li>• The revised part structure now <b>reflects the acquisition lifecycle</b>: <ul style="list-style-type: none"> <li>○ Subpart 13.1 - Presolicitation</li> <li>○ Subpart 13.2 - Solicitation, Evaluation, and Award</li> <li>○ Subpart 13.3 - Postaward</li> <li>○ Subpart 13.4 - Micro-purchases</li> </ul> </li> <li>• The lengthy list of inapplicable laws in former 13.005 is moved to a dynamic link, now at 13.001 (<a href="https://www.acquisition.gov/inapplicablelaws">https://www.acquisition.gov/inapplicablelaws</a>). This is a significant modernization, ensuring the regulation points to a</li> </ul>

	<p>continuously updated official source rather than a static list that could become outdated.</p> <ul style="list-style-type: none"> <li>● The definition of “governmentwide commercial purchase card” is moved from the former 13.001, “Definitions”, to section 2.101.</li> <li>● Content regarding price or cost evaluation factors for multiple-award contracts is moved from the former 13.106-1 to RFO Part 16.</li> <li>● 13.201, “<b>Procedures</b>”, and 13.202, “<b>Evaluation</b>”, cross reference Part 12. <b>This cross-referencing achieves several goals. It promotes consistency</b> in government procurement practices, reducing the need for contracting officers to master two distinct sets of procedures for simple buys and leverages the best practices in commercial acquisitions.</li> <li>● 13.204, “<b>Contract Clauses</b>”, authorizes the use of the revised clause 52.213-4 for a streamlined set of terms and conditions for inspection/acceptance, excusable delays, terminations, and warranties. <ul style="list-style-type: none"> <li>○ The primary clause for noncommercial simplified acquisitions, 52.213-4, has been retitled and revised. The title is changed from “Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services)” to “Terms and Conditions—Simplified Acquisitions (Noncommercial)” to align with the new focus of Part 13.</li> <li>○ 13.204(c) <b>explicitly prohibits</b> the use of Part 12 clauses (52.212-1, 52.212-2, and 52.212-4) in noncommercial acquisitions</li> </ul> </li> <li>● 13.303, “<b>Contractor Financing and Payments</b>”, now directs readers to Part 32 for payment procedures, <b>including fast payment procedures.</b></li> <li>● 13.401, “<b>General</b>”, for micropurchases, now points to Part 12 when making purchases below the micropurchase threshold (MPT) ensuring that the simplest and most common type of acquisition is governed by a single, consistent set of rules, regardless of whether the item is commercial or noncommercial.</li> </ul>
Removed	<ul style="list-style-type: none"> <li>● A significant amount of content has been <b>streamlined, and removed from Part 13 and shifted to other parts of the FAR</b> as highlighted in the summary of changes above the table.</li> <li>● The following <b>clauses</b> were deleted:</li> </ul>

	<ul style="list-style-type: none"> <li>○ 52.213-1, Fast Payment Procedure. Fast payments procedures will be covered in Part 32.</li> <li>○ 52.213-2, Invoices. General payment procedures will be covered in Part 32.</li> <li>○ 52.213-3, Notice to Supplier. The streamlined procedures and the general principles of offer and acceptance are deemed adequate without this specific clause.</li> </ul>
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This table is not an exhaustive list.

#### 4. Instructions.

- The Department of Education’s acquisition workforce shall follow the RFO Part 13 and corresponding 52 model deviation text instead of FAR part 13 and 52 as codified at 48 CFR chapter 1. The Council’s RFO Part 13 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-13> and is incorporated into this class deviation. A separate Acquisition Alert will be issued for any corresponding changes to the EDAR Part 3413.
- For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-52>.
- 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.
- The ED acquisition workforce must use the definitions (Part 2 - Definitions of Words and Terms) found on <https://www.acquisition.gov/far-overhaul>.
- Review templates and related standard operating procedures to align with this deviation and remove unnecessary processes and steps.

**5. Training.** Acquisition Professionals are highly encouraged to complete “Practitioner Album: FAR Part 13 - Government Property” at [https://www.acquisition.gov/sites/default/files/practitioner\\_albums/far-part-13-simplified-procedures-for-noncommercial-acquisitions/content/index.html#/](https://www.acquisition.gov/sites/default/files/practitioner_albums/far-part-13-simplified-procedures-for-noncommercial-acquisitions/content/index.html#/) within 30 days. Please complete the Practitioner Album and mark “yes” under the completion attestation within FAI CSOD.

**6. Effective Date.** This class deviation to FAR Part 13 is effective January 30, 2026, and remains in effect until rescinded or incorporated into the FAR.

7. **Points of Contact.** Direct questions regarding this class deviation to your respective policy points of contact.
8. **Enclosure.** Determination and Findings - Class Deviation for the Revolutionary FAR Overhaul

**DETERMINATION AND FINDINGS**  
Department of Education, All Contracting Activities  
Class Deviation for the Revolutionary FAR Overhaul

This approves a class deviation to all Federal Acquisition Regulation (FAR) and Department of Education Acquisition Regulation (EDAR) parts for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text.

**Findings**

On April 15, 2025, the 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 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.

In explaining the Federal Acquisition System, the RFO FAR Part deviation text establishes bedrock principles. Most centrally, it sets a "mission first" message at the top of the guiding principles. The RFO model deviation also increases the emphasis on the best use of taxpayer dollars and calls out the value of time as another guiding principle. Additionally, it retains a focus on satisfying the customer, maximizing use of commercial products and services, promoting competition, and encouraging innovation.

The FAR Council Deviation guidance allows for agencies to deviate agency acquisition regulation supplements as it relates to the RFO.

**Determination**

In accordance with FAR 1.404 and EDAR 3401.404, I hereby issue a class deviation for the use of all RFO model deviation texts and corresponding EDAR deviations. The adoption date for each RFO part model deviation text will be the date of the corresponding Acquisition Alert. EDAR deviation texts may be issued in a separate Acquisition Alert. All Department of Education contracting activities must follow the RFO model deviation texts instead of the FAR Parts codified at 48 CFR. Should the language of the RFO FAR contradict any statutorily granted procurement authorities to the Department of Education including the Office of Federal Student Aid, the statutorily granted authorities prevail.

In the unlikely event that the Department wishes to vary from a RFO model deviation text, a separate deviation will be issued. This class deviation will remain in effect until incorporated into the FAR, EDAR or rescinded.

**RICHARD LUCAS** Digitally signed by RICHARD LUCAS  
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Richard Lucas

Date

Acting Chief Acquisition Officer (CAO)