



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF FINANCE AND OPERATIONS

April 22, 2026

ACQUISITION ALERT 2026-22

TO: Heads of Contracting Activities

FROM: Christopher Rosier **CHRISTOPHER ROSIER** Digitally signed by CHRISTOPHER ROSIER
Deputy Assistant Secretary for Acquisition Management Date: 2026.04.22 14:49:59 -04'00'
Deputy Chief Acquisition Officer/Senior Procurement Executive

SUBJECT: Supplement to the Revolutionary Federal Acquisition Regulation (FAR) Overhaul (RFO) Class Deviations for FAR Parts 9, 12, 22, and 52 to Implement Executive Order (E.O.) 14398, Addressing Diversity, Equity, and Inclusion (DEI) Discrimination by Federal Contractors

- 1. Purpose.** This Acquisition Alert (AA) adopts changes to RFO class deviations to parts 9, 12, 22, and 52 for purposes of implementing the FAR Council's updates to the model deviations to address language described in E.O. 14398.
- 2. Background.**
 - On January 30, 2026, U.S. Department of Education (ED) class deviations to FAR parts 9, 12, and 22 became effective.
 - 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 FAR Council issued model deviation text to update these parts on April 20, 2026.
- 3. Summary of Changes.**
 - RFO Part 9 – Contractor Qualifications - has been updated to incorporate failure to comply with the requirements of clause at 52.222-90, Addressing DEI Discrimination by Federal Contractors as a cause for debarment or suspension.
 - RFO Part 12 – Acquisition of Commercial Products and Services – Table 12-3 has been updated to include the new clause at 52.222-90, Addressing DEI Discrimination by Federal Contractors.
 - RFO Part 22 – Application of Labor Laws – New Subpart 22.22 - Addressing DEI Discrimination by Federal Contractors to include definitions at 22.2201 and policy at 22.2202.
 - RFO Part 52 – Solicitation Provisions and Contract Clauses – 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).

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-4500

www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

4. Instructions.

- ED's acquisition workforce must follow the new model deviation text:
 - RFO Part 9 at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-9>
 - RFO Part 12 at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-12>
 - RFO Part 22 at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-22>
 - RFO Part 52 at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-52>
- For new solicitations or contracts:
 - Beginning April 24, 2026, amend open solicitations and insert the clause at FAR 52.222-90, Addressing DEI Discrimination by Federal Contractors (APR 2026) in new solicitations and resulting contracts valued over the micro-purchase threshold, including those for commercial products and commercial services, except those that result in contracts for which the place of delivery or performance is outside the United States. In accordance with FAR 1.107(d), amend any open solicitations to incorporate the clause.
 - It is not necessary to include the clause in new orders under existing government-wide contracts (GWACs), (Federal Supply Schedule (FSS), and other multi-agency contracts).
- For existing contracts:
 - In accordance with FAR 1.107(d), contracting officers (COs) **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.
 - Insert the clause at FAR 52.222-90, Addressing DEI Discrimination by Federal Contractors (APR 2026), 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, except those for which the place of delivery or performance is outside the United States.
 - Existing orders under government-wide contracts (FSS, GWACs, other managed multi-agency contracts) do not need to be modified; the master contract's modification covers the orders.
 - Modification of contracts with a final expiration no later than December 31, 2026, is at the contracting officer's discretion.
- Review templates and related standard operating procedures to align with this deviation and remove unnecessary processes and steps.

5. FAR 52.222-90 Information Collection.

The FAR Council is seeking clearance from OMB for information collection related to the FAR clause 52.222-90. The clearance will provide coverage for all agencies using the clause. The clause requires that contractors must—

- Furnish all information and reports, including providing access to books, records, and accounts as required by the contracting officer, for purposes of ascertaining compliance with the clause (FAR 52.222-90(b)(2));
- Report any subcontractor's known or reasonably knowable conduct that may violate the clause to the contracting officer and take any appropriate remedial actions directed by the contracting officer (FAR 52.222-90(b)(4)); and
- Inform the contracting officer if a subcontractor sues the contractor and the suit puts at issue, in any way, the validity of the clause (FAR 52.222-90(b)(5)).

Until clearance is received, contracting officers may still enforce the requirement for contractors to submit existing records regarding compliance with the requirements of the clause in connection with individual investigations, such as records that may be requested by the Equal Employment Opportunity Commission or the Department of Justice as part of an investigation of an alleged violation of the clause.

Contracting officers should further expect that contractors will alert the appropriate contracting officer of potential violations of the clause or lawsuits relating to the clause.

Once clearance is received, ED will communicate to the workforce that contracting officers can begin to enforce full compliance with FAR clause 52.222-90 requirements.

6. Effective Date.

- These class deviations are effective April 24, 2026, and remain in effect until rescinded or incorporated into the FAR.
- Use the new clause at FAR 52.222-90, Addressing DEI Discrimination by Federal Contractors (APR 2026) (DEVIATION APR 2026) as described in the applicability section beginning April 24, 2026.
- Modify existing contracts, as described in the applicability section, by July 24, 2026.

7. Points of Contact. Direct questions regarding this class deviation to Acq_Policy@ed.gov.

8. Enclosure. Determination and Findings - Class Deviation for Revolutionary FAR Overhaul (RFO).

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
Date: 2025.05.31 08:30:12 -04'00'

Richard Lucas

Date

Acting Chief Acquisition Officer (CAO)