



OFFICE OF FINANCE AND ADMINISTRATION

WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Environmental Protection Agency (EPA) Interim Policy Notice (IPN) 26-06, Federal Acquisition Regulation (FAR) Class Deviation, RFO-2026-13, for FAR Part 13 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

FROM: Stefan Martiyan
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Office of the Chief Procurement Officer

TO: EPA Acquisition Community

1. Purpose. This IPN approves a class deviation to the FAR for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 13.

2. Background. [Executive Order \(E.O.\) 14275 on Restoring Common Sense to Federal Procurement](#) signed April 15, 2025, mandates a comprehensive review and simplification of the FAR.

The FAR is being updated to:

- Eliminate non-statutory language
- Remove redundant or obsolete language
- Enhance clarity through plain language
- Align with the new FAR framework
- Preserve essential governmentwide acquisition standards

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

3. Summary of Changes.

Change	Description
Retained	<ul style="list-style-type: none">• 13.001, "Applicability", retains the prohibition on splitting requirements to stay below the SAT.• 13.101, "Competition", retains the requirement that agencies must promote competition to the maximum extent practicable when procuring noncommercial products and services valued at or below the SAT.

	<ul style="list-style-type: none"> • 13.102, “Small Business”, retains the requirement that acquisitions of supplies or services with an anticipated dollar value above the MPT, but at or below the SAT, must be set aside for small business concerns. • 13.301, “Notifications”, consolidates instructions for notifying unsuccessful quoters. It retains award notice posting requirements of FAR subpart 5.3 and brief explanations. • 13.302, “Cancellations and Terminations”, 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.
Moved/Updated	<ul style="list-style-type: none"> • The revised Part structure now reflects the acquisition lifecycle: <ul style="list-style-type: none"> ○ Subpart 13.1 - Presolicitation ○ Subpart 13.2 - Solicitation, Evaluation, and Award ○ Subpart 13.3 - Postaward ○ Subpart 13.4 - Micro-purchases • The lengthy list of inapplicable laws in former 13.005 is moved to a dynamic link, now at 13.001 (https://www.acquisition.gov/inapplicablelaws). This is a significant modernization, ensuring the regulation points to a continuously updated official source rather than a static list that could become outdated. • The definition of “governmentwide commercial purchase card” is moved from the former 13.001, “Definitions”, to section 2.101. • Content regarding price or cost evaluation factors for multiple-award contracts is moved from the former 13.106-1 to RFO Part 16. • 13.201, “Procedures”, and 13.202, “Evaluation”, cross reference Part 12. This cross-referencing achieves several goals. It promotes consistency 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. • 3.204, “Contract Clauses”, 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"> ○ 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 ○ 13.204(c) explicitly prohibits the use of Part 12 clauses (52.212-1, 52.212-2, and 52.212-4) in noncommercial Acquisitions • 13.303, “Contractor Financing and Payments”, now directs readers to Part 32 for payment procedures, including fast payment

	<p>procedures.</p> <ul style="list-style-type: none"> • 13.401, “General”, 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
Removed	<ul style="list-style-type: none"> • A significant amount of content has been streamlined and removed from Part 13 and shifted to other parts of the FAR as highlighted in the summary of changes above the table. • The following clauses were deleted: <ul style="list-style-type: none"> ○ 52.213-1, Fast Payment Procedure. Fast payments procedures will be covered in Part 32. ○ 52.213-2, Invoices. General payment procedures will be covered in Part 32. ○ 52.213-3, Notice to Supplier. The streamlined procedures and the general principles of offer and acceptance are deemed adequate without this specific clause.

*This table is not an exhaustive list

4. Instructions. The EPA acquisition workforce must follow the RFO Part 13 model deviation text instead of FAR Part 13 as codified at 48 CFR Chapter 1. The Council’s RFO Part 13 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul) and is incorporated into this class deviation. EPA’s Acquisition policy and regulations will be revised to reflect any necessary EPAAP or EPAAR changes that may be impacted by this FAR deviation.

Also,

- Do not include any of the removed provisions or clauses in future solicitations and contracts.
- For open solicitations or awarded contracts, the contracting officer has discretion regarding the need to enforce or amend the provisions or clauses. However, if removed provisions or clauses remain in the open solicitations or awarded contracts, the contracting officer may be required to separately address certain aspects in the contract.

5. Applicability. This class deviation applies to all EPA procurements.

6. Authority. This class deviation is issued under the authority of E.O. 14275, [OMB M-25-26](#), and 48 CFR 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. Points of Contact. Questions regarding this class deviation may be directed to OMS-ARM-OAS-AcquisitionPolicy@epa.gov.