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MEMORANDUM FOR CHIEF ACQUISITION OFFICERS
SENIOR PROCUREMENT EXECUTIVES
DEFENSE ACQUISITION REGULATIONS COUNCIL
CIVILIAN AGENCY ACQUISITION COUNCIL

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SUBJECT: Deviation Guidance to Support the Overhaul of the Federal Acquisition
Regulation

The purpose of this memorandum is to provide guidance to agencies that are subject to the Federal Acquisition Regulation (FAR) to support their issuance of deviations to implement the Executive Order on Restoring Common Sense to Federal Procurement (the “Order”) and the OMB Memorandum, Overhauling the FAR.

Section 2 of the Order establishes the policy that “the FAR should contain only provisions required by statute or essential to sound procurement, and any FAR provisions that do not advance these objectives should be removed.” To implement the Order, the OMB Memorandum directs the Office of Federal Procurement Policy (OFPP) to lead the revolutionary FAR overhaul (RFO) in coordination with the other members of the Federal Acquisition Regulatory Council (the Council).

In accordance with the OMB Memorandum, the Council is issuing plain language class deviation text, by FAR part, which is intended to return the FAR to its statutory base. The Council will begin this effort with FAR Part 1, Federal Acquisition Regulations System. The Council's class deviation text will retain limited non-statutory coverage when necessary to advance core stewardship principles and practices. The Council will post the class deviation text for each FAR part as it is developed at the dedicated RFO website location on www.acquisition.gov.

Guidance

Agencies implementing the Council's class deviation text should develop their agency-specific class deviations consistent with the following guidance:

1. Issuance of agency class deviations. Agencies should generally issue agency-specific class deviations within 30 days after the Council's class deviation text is released on the RFO website. Agencies should ensure their class deviations are disseminated throughout their contracting workforce to enable consistent implementation.
2. Coordination of agency RFO and other class deviations.
 - a. *Agency RFO class deviations that adopt the Council's class deviation text.* Agencies should use the Council's RFO class deviation text in their agency class deviations. Agencies that adopt the Council's RFO class deviation text without change, or require different text only to address statutory direction unique to the agency, do not need to coordinate with the Council.
 - b. *Agency RFO class deviations that differ from the Council's class deviation text.* Agencies must request approval from the Council before issuing RFO class deviations that use FAR text that differs from the Council's class deviation text, unless the difference is necessary to address agency-specific statutory direction. Agencies must send the planned deviation language, an explanation for the difference, and a point of contact to the Council at GSAREgSec@gsa.gov.
 - c. *Other agency class deviations.* During the RFO, agencies should limit the issuance of class deviations that are unrelated to the RFO, except where required to implement executive, statutory, or new Council direction. The Council will provide instructions to implement new direction as necessary to ensure consistent implementation throughout the workforce. For all other class deviations, agencies must request approval from the Council by sending the planned deviation language, an explanation for its need, and a point of contact to the Council at the mailbox identified in paragraph b, above.
 - d. *Review timeframes.* For deviations requiring approval, the Council will review and provide a decision to the requesting agency within 5 business days of receipt of the request, unless the request is urgent. The Council will respond to urgent requests within 24 hours of receipt of the request. Agencies may proceed if they do not receive responses within these timeframes.

3. Reporting of issued deviations. Agencies should provide copies of their issued RFO class deviations to the FAR Secretariat at GSARegSec@gsa.gov for public posting on the RFO website.

4. Agency class deviation effective dates. The Council intends to conduct rulemaking pursuant to the notice and comment process set forth at 41 U.S.C. 1707. Agencies are encouraged to make their class deviations effective until implemented in the FAR.