



# Federal Communications Commission Enterprise Acquisition Center

FCC Class Deviation RFO-2026-05 – Supplement 1

TO: FCC Enterprise Acquisition Center

FROM: Sunny Diemert, Senior Procurement Executive

DATE: May 8, 2026

SUBJECT: Supplement to Certain FCC Implementing Deviations in Support of Executive Order 14275, Restoring Common Sense to Federal Procurement.

1. Purpose: This supplement provides updates and amendments to certain FCC implementing deviations.

2. Background: In accordance with Executive Order (E.O.) 14275 on Restoring Common Sense to Federal Procurement between May and September 2025, the FAR Council issued model deviation text by FAR part in support of the Revolutionary FAR Overhaul (RFO) initiative. This initiative is intended to make the FAR more concise, understandable, and focused on core procurement requirements.

In accordance with OMB Memorandum M-25-26, FCC issued implementing class deviations following release of each RFO FAR part deviation text. More information about the purpose of the RFO initiative and background on individual model deviation language can be found in the original GSA implementing deviation for each part.

Subsequent review has identified the need to update and amend FCC’s implementing deviations for RFO FAR parts 5, 8, 9, 12, 13, and 23. The specific changes and rationale are discussed below.

### 3. Summary of Supplement Updates

RFO FAR parts 5, 12, 13, and 23	
Background	RFO FAR parts 5, 12, 13, and 23 included corresponding definition updates to part 2, but the implementing FCC deviations did not provide instructions to the workforce on how to use the revised part 2 definitions in concert with existing definitions in part 2.
Supplement Update	In FCC’s class deviations implementing RFO FAR parts 5, 12, 13, and 23, section 4, “Instructions”, is updated to add the following bullet: <ul style="list-style-type: none"> <li>The FCC acquisition workforce must use the definitions (Part 2 - Deviations of Words and Terms) found on <a href="https://www.acquisition.gov/far-overhaul">Acquisition.gov/far-overhaul</a>.</li> </ul> The remainder of the deviation is unchanged.

RFO FAR part 8	
Background	<p>The FAR Council initially released the RFO FAR part 8 model deviation text on August 14, 2025 which required use of Office of Federal Property Policy best-in-class (BIC) contracts. On August 29, 2025 OFPP updated the model deviation text to reference “required use” contracts at 8.104 instead of BIC contracts.</p> <p>It is understood that OFPP will be establishing a new class of “required use” contracts (and associated criteria) that will be separate from BIC contracts. “Required use” contracts will be mandatory. BICs may be prioritized, but are not mandatory.</p> <p>FCC’s class deviation implementing RFO FAR 8 is amended as follows, to reflect the updated RFO FAR part 8 model deviation text:</p>
Supplement Update 1	<p>Section 3, “Summary of Changes”, is updated as follows:</p> <p>3. Summary of Changes. FAR part 8, Required Sources of Supplies and Services, is significantly updated. The model deviation language:</p> <ul style="list-style-type: none"> <li>• Enhances usability by restructuring and organizing the part in the logical flow of the acquisition lifecycle.</li> <li>• Simplifies mandatory source guidance.</li> <li>• <del>Makes the use of Governmentwide Best In Class (BIC) contracts mandatory</del> [Makes the use of OFPP-designated “Required Use” contracts mandatory].</li> <li>• Retains focus on the importance of the AbilityOne Program.</li> </ul>
Supplement Update 2	<p>The fourth bullet in the “Retained” section of the table in Section 3, “Summary of Changes”, is updated as follows:</p> <ul style="list-style-type: none"> <li>• Use of Existing Contracts. 8.104 replaces section 8.004, “Use of Other Sources”. <del>Best-in-class (BIC)</del> [OFPP-designed “Required Use”] contracts or BPAs are now <del>required</del>[mandatory] <del>to be used</del> when a commercial product or commercial service meets an agency’s need, unless approved by the Head of the Contracting Activity (HCA). If a <del>BIC</del> [“required use” contract] is not suitable, agencies should consider use of an existing governmentwide contract, BPA, or shared service.</li> </ul>
Miscellaneous	<ul style="list-style-type: none"> <li>• OFPP is expected to provide more information about “required use” contracts in the future.</li> </ul>

RFO FAR part 9	
Background	<p>The FCC implementing deviation stated that all existing provisions and clauses are retained (or remain reserved if previously reserved) with no changes to the text. The implementing class deviation is amended as follows to highlight that some provisions and clauses were updated.</p>

<p>Supplement Update 1</p>	<p>The third bullet in the “Retained” section of the table in Section 3, “Summary of Changes”, is updated as follows:</p> <p><u>From:</u> All existing provisions and clauses are retained (or remain reserved if previously reserved) with no changes to the text.</p> <p><u>To:</u> The following provision and clause are retained (or remain reserved if previously reserved) with no changes to the text:</p> <ul style="list-style-type: none"> <li>○ 52.209-8 remains reserved</li> <li>○ 52.509-12 (Provision), Certification Regarding Tax Matters</li> <li>○ 52.209-14 (Clause), Reserve Officer Training Corps and Military Recruiting on Campus</li> </ul>
<p>Supplement Update 2</p>	<p>A new section title “Updated” is added to the table in Section 3, “Summary of Changes”. The following bullet is added:</p> <ul style="list-style-type: none"> <li>● The following provisions and clauses have been updated to reflect plain language, update cross-references, or to correspond with updates made within the part: <ul style="list-style-type: none"> <li>○ 52.209-1 (Clause), Qualification Requirements</li> <li>○ 52.209-2 (Provision), Prohibition on Contracting with Inverted Domestic Corporations-Representation</li> <li>○ 52.209-3 (Clause), First Article Approval-Contractor Testing <ul style="list-style-type: none"> <li>▪ Note - The Alternates are not updated</li> </ul> </li> <li>○ 52.209-4 (Clause), First Article Approval-Government Testing <ul style="list-style-type: none"> <li>▪ Note - The Alternates are not updated</li> </ul> </li> <li>○ 52.209-5 (Provision), Certification Regarding Responsibility Matters</li> <li>○ 52.209-6 (Clause), Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, Proposed for Debarment, or Voluntarily Excluded</li> <li>○ 52.209-7 (Provision) Information Regarding Responsibility Matters</li> <li>○ 52.209-9 (Clause), Updates of Publicly Available Information Regarding Responsibility Matters</li> <li>○ 52.209-10 (Clause), Prohibition on Contracting with Inverted Domestic Corporations</li> <li>○ 52.209-11 (Provision), Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law</li> <li>○ 52.209-13 (Provision) Violation of Arms Control Treaties or Agreements-Certification</li> </ul> </li> </ul>
<p>Supplement Update 3</p>	<p>Section 4, “Instructions”, is updated to add the following bullets:</p> <ul style="list-style-type: none"> <li>● For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at RFO FAR part 52.</li> </ul>

	<ul style="list-style-type: none"> <li>• 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.</li> </ul> <p>All other bullets in section 4, “Instructions” are unchanged.</p>
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4. Applicability. This supplement to applicable class deviations applies to all FCC procurements.

5. Authority: This class deviation is issued under the authority of EO 14275, OMB Memo M-25-26, 48 CFR 1.4, and RFO FAR 1.304.

6. Effective Date: This class deviation is effective as dated and shall remain in effect until it is incorporated into the FAR or until this class deviation is otherwise rescinded.

7. Point of Contact: Questions regarding this class deviation may be directed to FCC’s Senior Procurement Executive, Sunny Diemert, at [sunny.diemert@fcc.gov](mailto:sunny.diemert@fcc.gov).

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Sunny Diemert  
 Senior Procurement Executive (SPE)



## Federal Communications Commission Enterprise Acquisition Center

FCC Class Deviation RFO-2026-05

TO: FCC Enterprise Acquisition Center

FROM: Sunny Diemert, Senior Procurement Executive

DATE: May 11, 2026

SUBJECT: FAR Class Deviation for FAR Part 5 in Support of Executive Order (E.O.) 14275 on Restoring Common Sense to Federal Procurement.

1. Purpose. This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) part 5 for purposes of implementing the FAR Council's model deviation to FAR part 5 available at <https://www.acquisition.gov/far-overhaul/farpart-deviation-guide/far-overhaul-part-5>.

2. Background. On April 15, 2025, Executive Order (EO) 14275 on Restoring Common Sense to Federal Procurement was signed by the President. Section 2 of the EO 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 to align the new FAR framework.
- Retain language necessary for 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. FAR Part 5, Publicizing Contract Actions, is revised from a complex, topic-based structure to a streamlined, chronological process that mirrors the three main phases of an acquisition. The revision makes extensive use of tables to present complex information regarding content requirements and timing, a significant departure from the dense paragraphs of the original text. The new tables 5-1, 5-2, 5-3, and 5-4 clearly explain posting requirements and timeframes.

This approach directly serves the goals of reducing complexity and enhancing clarity by making the content easier to understand and use.

Statutory requirements retained in the RFO FAR part 5 model deviation include, but are not limited to, the following:

- 5 U.S.C. § 552, Public Information; Agency Rules, Opinions, Orders, Records, and Proceedings
- 15 U.S.C. § 637(e) and 41 U.S.C. § 1708, Procurement Notice
- 15 U.S.C. § 637(k), Notices of Subcontracting Opportunities
- 15 U.S.C. § 637b, Availability of Information
- 15 U.S.C. § 644, Awards or Contracts
- 44 U.S.C. §§ 3701-3703, Awarding of Contracts
- Pub. L. 97-219, Small Business Innovation Development Act of 1982

Retained:

- Section 5.000 “Scope of Part” has been updated to specify that notices are posted in the Governmentwide Point of Entry (GPE). Section 5.001 “Definitions” retains and streamlines the definition of “Contract Action” and adds definitions of “Notice” and “Presolicitation Notice”.
- Section 5.002 “Policy” retains the general purpose to increase competition and broaden industry participation. Language in this section has been revised from “assist small business concerns” to inform small business concerns of contract and subcontract opportunities.
- New subparts 5.1 “Presolicitation”, 5.2 “Solicitation”, and 5.3 “Award” create a logical organization in alignment with the acquisition lifecycle, creating clear points of reference.
  - Content from the former Subparts 5.1 “Dissemination of Information”, 5.2 “Synopses of Proposed Contract Actions”, and 5.3 “Synopses of Contract Awards” is streamlined within the new subpart structure.
- New tables are added to section 5.101 “Presolicitation Notice” that provide greater readability. Specifically, Table 5-1 identifies presolicitation language regarding trade agreements and Table 5-2 clarifies minimum posting timeframes for presolicitation notices.
- Guidance for “Paid Advertisements” is moved from subpart 5.5 to the new section 5.102, and is significantly streamlined.
- Guidance on “Special Situations”, previously at 5.205, has been moved to the new section 5.103 “Special Notices” and is significantly streamlined, reflecting notices for Federal Funded Research and Development Centers (FFRDC), and consolidation, bundling, and substantial bundling.
- New tables are added to section 5.201 “Solicitation Notice” that provide greater readability. Specifically, Table 5-3 identifies minimum timeframes for receipt of quotations or offers, and Table 5-4 identifies minimum posting timeframes for award notices.

Removed:

- With rare exception, the term “synopsis” has been removed.
- Subpart 5.4 “Release of Information” has been removed as largely duplicative of the general posting guidance throughout the part.
- Subpart 5.6 “Publicizing Multi-Agency Use Contracts”, which required agencies to enter information into a specific governmentwide database of contracts, has been removed as duplicative and outdated.
- Subpart 5.7 “Publicizing Requirements Under the American Recovery and Reinvestment Act of 2009 (ARRA)” has been removed because ARRA is no longer active.

This is not an exhaustive list of the changes.

4. Instructions. The FCC acquisition workforce shall follow the RFO part 5 model deviation text instead of FAR part 5 as codified at 48 CFR chapter 1. The Council’s RFO part 5 model deviation text is available at Acquisition.gov, under the “FAR Overhaul” link, and is incorporated into this class deviation.

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

6. Authority. This class deviation is issued under the authority of EO 14275, OMB memorandum M- 25-26, 48 CFR 1.4, and RFO FAR 1.304.

7. Effective Date. This class deviation is effective as dated and shall remain in effect until it is incorporated into the FAR or until this class deviation is otherwise rescinded.

8. Point of Contact. Questions regarding this class deviation may be directed to FCC’s Senior Procurement Executive, Sunny Diemert, at sunny.diemert@fcc.gov.

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