

Memorandum

TO: Office of Management Services

DATE: July 31, 2026

FROM: Cindy Hennigan
Deputy Managing Director
Office of Managing Director
Senior Procurement Executive

SUBJECT: Class Deviation for Federal Acquisition Regulation Part 22 in Support of Executive Order on Restoring Common Sense to Federal Procurement

1. **Purpose:** To issue a class deviation to Federal Acquisition Regulation (FAR) Part 22 for purposes of implementing the FAR Council's model deviation text to FAR Part 22.

2. **Effective Date:** Immediately

3. **Expiration Date:** Expires when incorporated into the FAR or is otherwise rescinded.

4. **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."

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- Remove duplicative or outdated language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. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

5. Summary of Changes.

FAR Part 22, *Acquisition of Commercial Products and Commercial Services*, has been fundamentally re-engineered in its structure, scope, and operational mechanics. These changes reflect an effort to create a user-centric part that champions streamlining, flexibility, and innovation when acquiring commercial products and services. Commercial procedures, as well as terms and conditions, are now significantly consolidated in Part 22.

Statutory requirements and presidential directives retained in the RFO FAR Part 22 model deviation includes, but are not limited to, the following:

- 8 U.S.C. § 1324a, Unlawful Employment of Aliens
- 18 U.S.C. § 874, Kickbacks from Public Works Employees
- 22 U.S.C. §§ 7101 et seq, Trafficking Victims Protection
- 29 U.S.C. §§ 201 et seq, Fair Labor Standards
- 29 U.S.C. § 793, Employment Under Federal Contracts
- 38 U.S.C. § 4212, Veterans' Employment Emphasis Under Federal Contracts
- 40 U.S.C. §§ 3141 et seq, Wage Rate Requirements
- 40 U.S.C. §§ 3701 et seq, Contract Work Hours and Safety Standards
- 41 U.S.C. § 6502, Required Contract Terms
- 41 U.S.C. §§ 6701 et seq, Service Contract Labor Standards
- E.O. 11755, Relating to Prison Labor, as amended by E.O.s 12608 and 12943
- E.O. 13126, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor
- E.O. 13496, Notification of Employee Rights Under Federal Labor Laws
- E.O. 13706, Establishing Paid Sick Leave for Federal Contractors
- E.O. 14063, Use of Project Labor Agreements for Federal Construction Projects

Change	Description
Retained	• Section 22.000, Scope of Part, is retained. • Section 22.001, Definitions, is updated to add new standard definitions and make conforming edits to existing definitions to reflect the new part structure. ○ The definition of "Administrator" is revised to remove the full mailing address. ○ The definition of "Normal workweek" is relocated from the former subsection 22.103-1. ○ The term "Secretary" is relocated from section 22.1601 in order to standardize the term's usage throughout the part. ○ The definition of "Service contract" is updated to align the citations with the changes made to the part. • Subsection 22.201-1, General, streamlines the detailed explanatory text from Executive Order 11755, which was quoted at length in the former 22.201. ○ The section now simply states that the Executive Order "does not prohibit the contractor... from employing certain persons as stated in paragraph (b) of the clause at 52.222-3, Convict Labor". This change places the focus on the text of the contract clause itself. • Section 22.401, Definitions, revises and harmonizes the definition of "Laborers or mechanics" with the definition used in subpart 22.3. ○ The updated definition in this section explicitly includes "firefighters, fireguards, and workmen who perform services in connection with dredging or rock excavation in rivers or harbors" and excludes "any employee employed as a seaman". This creates greater consistency across related subparts. • Subparagraph 22.402-3(d), under Construction Wage Rate Requirements Statute, directs contracting officers to seek assistance from the Administrator of the Wage and Hour Division in cases of doubt, formerly described in 22.404-2.

	• Subparts 22.7, 22.12, and 22.20 remain reserved. • Section 22.1303, Evaluation and Award, under subpart 22.13, Equal Opportunity for Veterans, removes the option to contact VETS-4212 customer support (previously at 22.1304(b)) to verify if a proposed contractor is current with its VETS-4212 Report. Now, contracting officers must query the VETS-4212 database(opens in a new tab). • Numerous provisions and clauses are retained (or remain reserved) with no changes. The following provisions and clauses are updated for clarity, to mirror updates made throughout the part, and/or to update cross-references or remove outdated content: ○ 52.222-4 (Clause), Contract Work Hours and Safety Standards—Overtime Compensation ○ 52.222-6 (Clause), Construction Wage Rate Requirements ○ 52.222-11 (Clause), Subcontracts (Labor Standards) ○ 52.222-19 (Clause), Child Labor—Cooperation with Authorities and Remedies ○ 52.222-20 (Clause), Contracts for Materials, Supplies, Articles, and Equipment ○ 52.222-35 (Clause), Equal Opportunity for Veterans ○ 52.222-36 (Clause), Equal Opportunity for Workers with Disabilities ○ 52.222-37 (Clause), Employment Reports on Veterans ○ 52.222-48 (Provision), Exemption From Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Certification ○ 52.222-52 (Provision), Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Certification ○ 52.222-53 (Clause), Exemption From Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements ○ 52.222-54 (Clause), Employment Eligibility Verification
Removed	The following guidance and best practice procedures were moved to the FAR Companion: • Definitions (former FAR 22.1001) • Department of Labor regulations involving construction (former FAR 22.403-6) • Construction Wage Rate Requirements statute wage determinations (former FAR 22.404) • Types of wage determinations (former FAR 22.404-1) • Wage determinations, general requirements (former FAR 22.404-2) • Notification of improper wage determination before award (former FAR 22.1002-3) • Examinations of the payrolls and payroll statements (former FAR 22.404-6(c)) • Disposition of disputes concerning construction contract labor standards enforcement (former FAR 22.22.406-10(a)(c)(d)(f)) • Requirement to obtain wage determinations, (former 22.1007(b) & (c)) • Wage determinations based on collective bargaining agreements (former FAR 22.1002-3(b)) • Service Contract Labor Standards, Applicability, General (former 22.1003-1)

	• Administrative limitations, variations, tolerances, and exemptions (former 22.1003-4(a)) • Examples of contracts covered by the Service Contract Labor Standards statute (former 22.1003-5) • Repair distinguished from remanufacturing of equipment (former FAR 22.1003-6) • Department of Labor responsibilities and regulations (former FAR 22.1004) • Obtaining wage determinations (former FAR 22-1008-1) • Successorship with incumbent contractor collective bargaining agreement (former FAR 22.1008-2(d)(2)) • All possible places of performance not identified (former FAR 22.1009-4(a)(b)) • Statement of equivalent rates for Federal hires (former FAR 22.1016(b))
Updated	• New subpart 22.22 - Addressing DEI Discrimination by Federal Contractors to include definitions at 22.2201 and policy at 22.2202. As a result, it 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).

This table is not an exhaustive list.

Required Action: The FMC acquisition workforce shall follow the RFO Part 22 model deviation text instead of FAR Part 22 as codified at 48 CFR Chapter 1. The Council's RFO Part 22 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul), and is incorporated into this class deviation.

6. Applicability: This class deviation applies to all FMC procurements.

7. Authority: This deviation is issued under the authority of Executive Order 14275, OMB Memo M-25-26, and 48 CFR 1.4 and Executive Order 14398.

8. Point of Contact: If you have any questions please contact Michelle Calhoun, Procurement Analyst (mcalhoun@fmc.gov) or (202) 523-5901.

Cindy Hennigan
Senior Procurement Executive