



Office of the Chief
Acquisition Officer

Date: July 20, 2026

From: Darnese M. Wilkerson, Chief Acquisition Officer *DMW*

To: Office of the Chief Acquisition Officer (OCAO)

Subject: Supplement to CLASS DEVIATION (CD) in Support of Executive Order (EO) 14275, “Restoring Common Sense to Federal Procurement” - for FAR Parts 9, 12, and 22 in Support of Executive Order 14398, Addressing DEI Discrimination by Federal Contractors.

1. Purpose

This supplement addresses changes to the Revolutionary Federal Acquisition Regulation Overhaul (RFO) class deviations to Federal Acquisition Regulation (FAR) parts 9, 12, 22, and 52 for purposes of implementing the FAR Council’s updates to the model deviations to address the language described in Executive Order (E.O.) 14398.

2. Background

On March 26, 2026, E.O. 14398 was issued establishing that agencies should not do business with contractors that engage in any racially discriminatory diversity, equity, and inclusion (DEI) activities. Additionally, the FAR Council issued a deviation to update the model deviation text for these parts.

This supplemental CD adopts and incorporates the FAR Council’s model deviation text to the affected FAR parts.

3. Summary of Changes

For the purpose of implementing the Federal Acquisition Regulatory Council’s changes to FAR parts 9, 12, 22, and Applicable Portions of 52. It also incorporates and adopts the FAR Council’s model deviation text to the affected FAR parts.

- Part 9 - References the new clause and makes clear that failure to comply with the clause may result in debarment or suspension.
- Part 12 - Prescribes the new clause for commercial acquisition.
- Part 22 - Establishes the new policy and prescribes the new clause.
- Part 52 - 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).

4. Applicability

The requirements in this supplemental CD apply to all solicitations and contract actions.

5. Guidance

Effective immediately:

- A. Follow the RFO FAR Parts 9, 12, 22 model deviation text, including the corresponding part 52 model deviation text, instead of FAR parts 9, 12, 22, and corresponding part 52 as codified at 48 CFR Chapter 1. The Council's RFO model deviation texts are available in the FAR Overhaul section at Acquisition.gov, and are incorporated into this supplemental CD.
- B. When issuing new solicitations, contracts, or orders:
 - 1. Do not include any of the removed provisions or clauses (i.e., any provisions or clauses marked as "[Reserved]" on the RFO FAR part 52 page).
 - 2. Include the applicable provisions and clauses listed on the RFO FAR part 52 page.
 - a. For deviated provisions or clauses, (i.e., any provisions or clauses marked with "(DEVIATION DATE)"), utilize the RFO FAR model deviation text at RFO FAR part 52.
- C. For open solicitations:
 - 1. Amend the solicitation to remove any provisions and clauses that have been removed by the RFO FAR model deviation text (i.e., any provisions or clauses marked as "[Reserved]" on the RFO FAR part 52 page).
 - 2. Amend the solicitation to include or update any applicable deviated provisions or clauses (i.e., any provision or clauses marked with "(DEVIATION DATE)") to reflect the RFO FAR model deviation text at RFO FAR part 52.
- D. For existing contracts and orders:
 - 1. At the next available opportunity, modify the contract or order to remove any clauses that have been removed by the RFO FAR model deviation text (i.e., any clauses marked as "[Reserved]" on the RFO FAR part 52 page).
 - 2. At the next available opportunity, modify the contract or order to include or update any applicable deviated clauses (i.e., any clauses marked with "(DEVIATION DATE)") to reflect the RFO FAR model deviation text at RFO FAR part 52.

6. Authority

This class deviation is issued under the authority of Executive Order 14275 and OMB Memorandum M-25-26, 48 CFR Subpart 1.4.

7. Effective Date

This supplemental CD is effective as of the date signed and shall remain in effect until the provisions of the RFO are formally implemented in the FAR through a final rulemaking.

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cc: NGC