



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Class Deviation

PCD 25-39
December 19, 2025

CLASS DEVIATION FROM FEDERAL ACQUISITION REGULATION (FAR) PART 14 AND NASA FAR SUPPLEMENT (NFS) PART 1814 TO IMPLEMENT THE REVOLUTIONARY FAR OVERHAUL (NASA Case 2025-N043)

PURPOSE: To provide a Class Deviation from the FAR to implement the FAR Council's model deviation text to FAR Part 14, Sealed Bidding, and deviation to NFS 1814.

BACKGROUND: On April 15, 2025, the Executive Order (E.O.) 14275, ["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." To implement E.O. 14275, the Office of Federal Procurement Policy (OFPP) is leading the **Revolutionary FAR Overhaul (RFO)** initiative. This effort is supported by the Federal Acquisition Regulatory Council (the Council) member agencies—General Services Administration, Department of War, NASA, along with other agencies. In line with the E.O., the initiative aims to eliminate unnecessary regulations and policies across all levels of the federal government.

The Office of Management and Budget (OMB) memorandum, M-25-26 issued on May 2, 2025, titled, Overhauling the Federal Acquisition Regulation, provided additional guidance to federal agencies regarding the FAR overhaul.

FAR Streamlining. As part of the RFO, the FAR will be streamlined to include only statutory requirements, while non-statutory content will move to new buying guides, collectively forming the Strategic Acquisition Guidance (SAG). The Council will first issue model deviation guidance by FAR part, followed by formal rulemaking through the notice-and-comment process. Agencies will have 30 days to issue class deviations based on the model text once it is released.

Streamlining Agency Acquisition Supplements. Agencies must streamline their FAR supplements by removing regulations not based on statute or executive orders and aligning with the FAR Council's deviation guidance. Supporting policies must also be updated to reflect these changes. This approach ensures the NASA FAR Supplement (NFS) remains consistent with the streamlined FAR.

FAR Buying Guides and NFS Companion Guide (CG) (coming soon). As the FAR and the NFS are streamlined, helpful non-regulatory content will be moved to new FAR Buying Guides and NFS CG. These guides are intended to offer practical instructions and best practices for implementing effective contracting methods.

RFO Part 14, Sealed Bidding, is one of the model deviations released by the FAR Council. RFO Part 14 establishes the framework for how the government conducts procurements that use sealed bids instead of quotes or proposals. This framework has been streamlined to focus on statutory requirements. Burdensome, duplicative, or outdated language and language not required by statute have been removed from FAR Part 14. This plain language version of FAR Part 14 shall be adhered to.

To align with the RFO FAR Part 14, the NFS 1814, is revised to remove non-statutory and outdated language. This deviation implements the revised RFO Part 14 and NFS Part 1814.

GUIDANCE:

(1) Contracting officers shall follow the RFO Part 14 deviated text instead of FAR Part 14 as codified at 48 CFR Chapter 14. The FAR Council's RFO text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-14>.

(2) COs shall also follow the NFS Part 1814 deviated text enclosed within this deviation.

ACTION REQUIRED BY CONTRACTING OFFICERS: Effective immediately, ensure that new contract actions issued on or after the effective date complies with the policy in the PCD.

EFFECTIVE DATE: This PCD is effective as dated and shall remain in effect until implemented in the FAR and NFS or otherwise rescinded.

PROVISION AND CLAUSE CHANGES: This deviation renders 1852.214-72, Full Quantities, obsolete.

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Enclosure

Changes in the NFS Deviation text below are identified as follows:
Deletions shown as ~~strike throughs~~; and
Additions are shown in **[bold type, within brackets]**.

**PART 1814
SEALED BIDDING**

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PART 1814
SEALED BIDDING

Subpart 1814.2—[Presolicitation]~~Solicitation of Bids~~

~~1814.201 Preparation of invitations for bids.~~

~~1814.202 Uniform Contract Format.~~

~~1814.201-5 Part IV Representations and instructions.~~

~~(c) Section M, Evaluation factors for award.~~

~~(i) The contracting officer shall state if award is to be made in the aggregate (all or none basis) or by specified groups of items.~~

~~(ii) If bidders are required to have special technical qualifications because of the complexity of the equipment being purchased or for some other reason, the contracting officer shall state those qualifications.~~

~~1814.201-6[7] Solicitation provisions.~~

~~1814.201-6[7]-70 NASA solicitation provisions.~~

(a) The contracting officer ~~shall~~**[must]** insert the provision at [1852.214-70](#), Caution to Offerors Furnishing Descriptive Literature, in invitations for bids. See FAR 52.214-21, Descriptive Literature.

(b) The contracting officer ~~shall~~**[must]** insert the provision at [1852.214-71](#), **[Award] Grouping for Aggregate Award**, in invitations for bids, except for construction, when it is in the Government's best interest not to make award for less than [either:]

[(1) the full quantities solicited. If this applies, fill in the blank in paragraph (a) with, "Not Applicable"; or]

[(2)] Specified quantities solicited for certain items or groupings of certain items. [If this applies, fill in the blank in paragraph (a) with] the item numbers and/or descriptions applicable for the particular procurement.

~~(c) The contracting officer shall insert the provision at [1852.214-72](#), Full Quantities, in invitations for bids, except for construction, when it is in the Government's best interest not to make award for less than the full quantities solicited.~~

~~[(c)](d)~~ If a pre-bid conference is planned, the contracting officer ~~shall~~**[must]** insert the provision at [1852.215-77](#), Preproposal/Pre-bid Conference. See ~~1815.209-70(a)~~.

Subpart 1814.3—~~Submission of bids.~~ Evaluation and Award]

~~1814.302 Bid submission.~~

~~(b) NASA contracting officers shall not consider telegraphic bids communicated by telephone.~~

1814.306 Evaluation

~~1814.306-3 Rejection of bids.~~

~~Subpart 1814.4—Opening of bids and award of contract~~

~~1814.404 Rejection of bids.~~

~~1814.404-1 Cancellation of invitations after opening.~~

~~(e) The authority to make the determination at FAR 14.404-1(e) is delegated to the contracting officer, except as provided in paragraph (e)(1) of this subsection.~~

~~(e)(1) A determination that includes an authorization to complete the acquisition through negotiation shall be made by the procurement officer, in consultation with the Office of Chief Counsel for Center acquisitions and Office of the General Counsel for Headquarters acquisitions.~~

~~1814.407 Mistakes in bids.~~

~~1814.407-3 Other mistakes disclosed before award.~~

~~(e) Procurement officers are authorized to make the determinations under FAR 14.407-3(a), (b), (c) and (d).~~

~~1814.407-4 Mistakes after award.~~

~~(d) All determinations, under this section, shall be made by the procurement officer.~~

~~1814.408 Award.~~

~~1814.408-1 General.~~

~~(2) A notice of award as a specific document is used when the contracting officer needs to inform a responsible bidder that its offer was determined to be the most advantageous to the Government (considering only price and price-related factors) and that the formal award will be made upon satisfaction of specified pre-performance conditions.~~

~~(i) The notice of award is not a contractual instrument. It does not authorize the successful bidder to perform and, in itself, does not obligate the Government to award a contractual document. Its limited purpose is to provide evidence of the Government's selection of the successful bidder; instruction to that bidder to satisfy specified pre-performance conditions; and a statement that the Government intends to award the contract to the successful bidder upon satisfaction of these conditions.~~

~~(ii) Use of a notice of award is optional. The contracting officer may issue the award document itself without first issuing a notice of award. However, there are instances when a notice of award should be considered, for example, in construction contracts where performance or payment bonds are required. In such cases, the most cost-effective technique is to require only the successful bidder to provide the necessary bonds. The notice of award advises the successful bidder to provide the bonds, and it also serves as formal evidence from the Government of the impending award if such evidence is required to secure the bonds.~~

NFS Part 1814, Sealed Bidding

~~(iii) The notice of award shall not be issued unless bids have been evaluated and a selection made, and a definitive contract document is ready for execution upon satisfaction of the conditions specified in the notice. Upon satisfaction of these conditions, the approved and executed contract instrument shall be provided to the successful bidder.~~

~~(iv) Since the notice of award is not a contractual document authorizing performance, the period of performance of the resultant contract shall not be based on the date of issuance or receipt of the notice of award. The period of performance specified in the contract shall be based on some other reference point, such as the date the contract is provided to the successful bidder, a mutually agreeable effective date or a later authorization to proceed date.~~

~~(v) The notice of award can be issued by the contracting officer using any formal written means to include letter, facsimile or other electronic means. The notice should be substantially the same as the following format.~~

Format

~~Subject: Notice of Award—Invitation for Bids (IFB) (insert IFB number and title). This notice is to advise you that your bid (insert bid identification) in response to the subject IFB has been determined to be the most advantageous to the Government (considering only price and price related factors). It is the Government's intention to award you a contract in the amount of (insert award price) for this effort pending satisfaction of the following pre-performance conditions:~~

~~(insert performance conditions e.g. any required payment and performance bonds)~~

~~Evidence (insert evidence description e.g. the actual payment and performance bonds) of satisfaction of these conditions shall be provided to the contracting officer by (insert due date for submittal of evidence). In the event these conditions are not satisfied by this date, the Government reserves the right to award the contract to the bidder who submitted the next most advantageous bid.~~

~~Please note that this notice of award is not a contractual document. It does not obligate the Government to award you, or any other bidder, a contract relative to the subject IFB, and it does not authorize you to proceed with contract performance or incur costs pursuant to such performance. Any costs incurred for contract performance prior to your receipt of a fully executed contract document are at your own risk and are not recoverable under any Government contract should the Government fail, for whatever reason, to award you a contract in response to the subject IFB.~~

~~If a contract is awarded after evidence of satisfaction of the pre-performance conditions listed above is provided to the contracting officer by the specified due date, the date of commencement of work will be provided with the formal award. This date will be based on (identify basis for date of commencement of performance).~~

PART 1852

SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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~~1852.214-70~~ Caution to Offerors Furnishing Descriptive Literature.

~~1852.214-71~~ ~~Grouping for Aggregate Award~~ **[Grouping]**.

~~1852.214-72~~ ~~Full Quantities.~~

Subpart 1852.2—Text of Provisions and Clauses

1852.214-70 Caution to Offerors Furnishing Descriptive Literature.

As prescribed in 1814.20[7-70(a)]~~1-670(a)~~, insert the following provision:

CAUTION TO OFFERORS FURNISHING DESCRIPTIVE LITERATURE (DEC 1988) (DEVIATION DEC 2025)

Bidders are cautioned against furnishing as a part of their bids descriptive literature that includes language reserving to the bidder the right to deviate from the requirements of the invitation for bids. Statements that "Data are subject to change without notice," "Prices subject to change without notice," or words having a similar effect are examples of such reservation. The Government will reject as nonresponsive any bid that incorporates literature containing such language or any bid that must be evaluated by using literature containing such language. Bidders should clearly label any submissions of descriptive literature not intended to form a part of a bid as such in order to preclude any need for the Government to interpret the bidder's intent in submitting descriptive literature. See FAR 14.202-5[6].

(End of provision)

1852.214-71 ~~Grouping for Aggregate Award~~ **[Grouping].**

As prescribed in 1814.20[7-70(b)]~~1-670(b)~~, insert the following provision:

~~GROUPING FOR AGGREGATE AWARD~~ GROUPING (MAR 1989) (DEVIATION OCT-DEC 2025)

(a) The Government will evaluate **[bids]** ~~offers~~ and make award on a basis of the aggregate **[bids]** ~~offers~~ for items

[Insert the item numbers and/or descriptions] **[, or insert, Not Applicable]**.

[(b)] The Government will not consider **[, and reject as nonresponsive, a bid]** ~~an offer~~ for quantities **[of items]** less than **[the full quantities]** ~~those~~ specified in the Invitation for Bids.

~~(b) If this is an invitation for bids, the Government will reject as nonresponsive a bid that is not made on the total quantities for all of the items specified in paragraph (a) of this section.~~

(End of provision)

~~1852.214-72 Full Quantities.~~

As prescribed in 1814.201-670(c), insert the following provision:

~~FULL QUANTITIES (DEC 1988)~~

~~The Government will not consider an offer for quantities of items those specified. If this is an invitation for bids, the Government will reject as nonresponsive a bid that is not made on full quantities.~~

Clean NFS version with changes incorporated:

**PART 1814
SEALED BIDDING**

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SUBPART 1814.2	PRESOLICITATION
1814.207	Solicitation Provisions.
1814.206-70	NASA solicitation provisions.

PART 1814
SEALED BIDDING

Subpart 1814.2—Presolicitation

1814.207 Solicitation provisions.

1814.207-70 NASA solicitation provisions.

(a) The contracting officer must insert the provision at [1852.214-70](#), Caution to Offerors Furnishing Descriptive Literature, in invitations for bids. See FAR 52.214-21, Descriptive Literature.

(b) The contracting officer must insert the provision at [1852.214-71](#), Award Grouping, in invitations for bids, except for construction, when it is in the Government's best interest not to make award for less than either:

(1) the full quantities solicited. If this applies, fill in the blank in paragraph (a) with, “Not Applicable”; or

(2) Specified quantities solicited for certain items or groupings of certain items. If this applies, fill in the blank in paragraph (a) with the item numbers and/or descriptions applicable for the particular procurement.

(c) If a pre-bid conference is planned, the contracting officer must insert the provision at [1852.215-77](#), Preproposal/Pre-bid Conference. See NFS 1815.

PART 1852
SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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[1852.214-70](#) Caution to Offerors Furnishing Descriptive Literature.

[1852.214-71](#) Award Grouping

Subpart 1852.2—Text of Provisions and Clauses

1852.214-70 Caution to Offerors Furnishing Descriptive Literature.

As prescribed in 1814.207-70(a), insert the following provision:

CAUTION TO OFFERORS FURNISHING DESCRIPTIVE LITERATURE (DEC 1988)
(DEVIATION DEC 2025)

Bidders are cautioned against furnishing as a part of their bids descriptive literature that includes language reserving to the bidder the right to deviate from the requirements of the invitation for bids. Statements that "Data are subject to change without notice," "Prices subject to change without notice," or words having a similar effect are examples of such reservation. The Government will reject as nonresponsive any bid that incorporates literature containing such language or any bid that must be evaluated by using literature containing such language. Bidders should clearly label any submissions of descriptive literature not intended to form a part of a bid as such in order to preclude any need for the Government to interpret the bidder's intent in submitting descriptive literature. See FAR 14.206.

(End of provision)

1852.214-71 Award Grouping.

As prescribed in 1814.207-70(b), insert the following provision:

AWARD GROUPING (MAR 1989) (DEVIATION DEC 2025)

(a) The Government will evaluate bids and make award on a basis of the aggregate bids for items

[Insert the item numbers and/or descriptions, or insert, "Not Applicable"].

(b) The Government will not consider, and reject as nonresponsive, a bid for quantities of items less than the full quantities specified in this Invitation for Bids.

(End of provision)