



National Aeronautics and  
Space Administration  
Washington, DC 20546

# Procurement Class Deviation

PCD 25-06A

July 11, 2025  
March 13, 2026

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## CLASS DEVIATION FROM FEDERAL ACQUISITION REGULATION (FAR) PART 39 AND NASA FAR SUPPLEMENT (NFS) PART 1839 TO IMPLEMENT THE REVOLUTIONARY FAR OVERHAUL (NASA Case 2025-N008)

**PURPOSE:** To provide a Class Deviation from the FAR to implement the FAR Council's model deviation text to FAR Part 39, Acquisition of Information and Communication Technology, and deviation to NFS 1839. **Revision A updates NFS 1839 by incorporating subpart 1839.70, Authorization for Radio Frequency Use and clause 1852.239-70, which were previously removed from NFS 1823.71 (See "Guidance" section below for details).**

**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 Defense, 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-25-25 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 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 39, Acquisition of Information and Communication Technology, establishes contains policies applicable to the acquisition of information and communication technology within the federal government. Burdensome, duplicative, or outdated language and language not required by statute have been removed from FAR Part 39. This plain language version of FAR Part 39 shall be adhered to.

To align with the RFO FAR Part 39, the NFS 1839, Acquisition of Information Technology, is revised to remove non-statutory and outdated language. This deviation implements the revised RFO Part 39 and NFS Part 1839.

***GUIDANCE:***

(1) Contracting officers (CO) shall follow the RFO Part 39 deviated text instead of FAR Part 39 as codified at 48 Code of Federal Regulations (CFR) Chapter 1, Subchapter F, Part 39. The FAR Council's RFO text is available at [FAR Overhaul - Part 39 | Acquisition.GOV](#) .

(2) COs shall also follow the NFS Part 1839 deviated text enclosed within this deviation.

**Revision A incorporates the following:**

- **Subpart 1839.70, Authorization for Radio Frequency Use**
- **1839.7001, Contract clause (formerly 1823.7101) and**
- **Clause 1852.239-70, Authorization for Radio Frequency Use (formerly 1852.223-71)**

**Revision A changes are highlighted in the document below.**

***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 NFS Clause 1852.239-70, Alternate Delivery Points, obsolete. **Rev A incorporates clause 1852.239-70,**

**Authorization for Radio Frequency Use.**

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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 as **[bold in brackets]**.

**PART 1839**  
**ACQUISITION OF INFORMATION TECHNOLOGY**  
**[ACQUISITION OF INFORMATION AND COMMUNICATION TECHNOLOGY]**  
*(September 2015)*

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**[RESERVED]**

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1839.107-70		NASA contract clause.
<b>SUBPART</b>	<b><u>1839.2</u></b>	<b>ELECTRONIC AND INFORMATION TECHNOLOGY</b>
1839.203		<del>Applicability.</del>
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<b>[SUBPART</b>	<b>1839.70</b>	<b>AUTHORIZATION FOR RADIO FREQUENCY USE]</b>
<b>[1839.7001</b>		<b>Contract clause.]</b>

**PART 1839**  
**ACQUISITION OF INFORMATION TECHNOLOGY**

**Subpart 1839.1—General.**

**1839.105 Privacy.**

See 1804.470.

**1839.107 Contract clause.**

**1839.107-70 NASA contract clause.**

(a)(1) The contracting officer shall insert the clause substantially as stated at [1852.239-70](#), Alternate Delivery Points, in solicitations and contracts for information technology when—

(i) An indefinite delivery/indefinite quantity contract will be used or when the contract will include options for additional quantities; and

(ii) Delivery is F.O.B. destination to the contracting activity.

(2) When delivery is F.O.B. origin and Government bills of lading (GBL) are used, the contracting officer shall use the clause with its Alternate I.

**Subpart 1839.2—Electronic and Information Technology.**

See [PIC 24-03A](#)

**1839.203 Applicability**

**1839.203-70 Documentation.**

(a)(1) For all procurements of Electronic and Information Technology (EIT), the requirements office is responsible for market research as well as preparing, documenting, and obtaining approval for all determinations of compliance, non-compliance, and partial compliance; commercial nonavailability determinations; and undue burden exceptions. Center procurement offices should provide appropriate assistance to the requirements office. For micro purchases made under FAR 13.2, market research documentation for EIT may be entered within the purchase card system or within supporting files. For other than micro purchases made under FAR 13.2, the market research shall be provided to the center procurement office for inclusion in the contract file and should be substantially the same as the following format:

~~Compliance with Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) and the Architectural and Transportation Barriers Compliance Board Electronic and Information Technology (EIT) Accessibility Standards (36 CFR 1194)~~

~~Purchase Request:~~

~~Contract:~~

~~Delivery Order:~~

~~Task Order:~~

~~The supply and/or service required:~~

~~\_\_\_ Meet the applicable accessibility standards.~~

~~\_\_\_ Is a commercial supply or service and market research has determined that some or all of the applicable Access Board standards cannot be met by supplies or services available in the commercial marketplace in time to satisfy agency delivery requirements. (See attached EIT Commercial Non-Availability Determination)~~

~~\_\_\_ Is exempt from compliance with applicable accessibility standards based on the following exception:~~

~~\_\_\_ The item is for a national security system.~~

~~\_\_\_ The item will be located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment.~~

~~\_\_\_ Would impose an undue burden on the agency. (See attached Undue Burden Determination)~~

~~(Signature) \_\_\_\_\_~~

~~Printed Name of Requiring Official \_\_\_\_\_ (Date)~~

**[Subpart 1839.70 – Authorization for Radio Frequency Use]**

**[1839.7001 Contract clause.**

**The contracting officer must insert the clause at, 1852.239-70, Authorization for Radio Frequency Use, in solicitations and contracts calling for developing, producing, constructing, testing, or operating a device for which a radio frequency equipment authorization is required.]**

**1852.239-70 Alternate Delivery Points.**

As prescribed in 1839.107-70(a)(1), insert the following clause:

ALTERNATE DELIVERY POINTS  
(NOV 1993)

~~(a) The first priority of this contract is to satisfy the anticipated requirements of (identify contracting activity). However, should the actual requirements of \_\_\_\_\_ (contracting activity) be less than the maximum quantities/values specified in Section B of this contract, (contracting activity) may order the remaining available quantities/values to satisfy the requirements of other installations. The other installations at which delivery may be required are:~~

~~(List installations and their locations)~~

~~(b) The prices of the deliverables in Section B are F.O.B. destination to \_\_\_\_\_ (contracting activity). If delivery to an alternate location is ordered, an equitable adjustment may be negotiated to recognize any variances in transportation costs associated with delivery to that alternate location.~~

~~(End of clause)~~

ALTERNATE I  
(NOV 1993)

As prescribed in 1839.107-70(a)(2), delete paragraph (b) and substitute the following:

~~(b) The prices of the deliverables in Section B are F.O.B. origin with delivery to NASA via Government bill of lading (GBL). If delivery to an alternate location is ordered, the same delivery procedures will be used and no equitable adjustment to any price, term, or condition of this contract will be made as a result of such order.~~

~~(End of clause)~~

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PART 1852  
SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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**[1852.239-70 Authorization for Radio Frequency Use.  
As prescribed in 1839-7002, insert the following clause:**

**AUTHORIZATION FOR RADIO FREQUENCY USE  
(MAR 2026)**

**(a) The Contractor or subcontractor must obtain equipment authorization for use of radio frequencies required in support of this contract following the procedures in NPR, 2570.1, NASA Radio Frequency (RF) Spectrum Management Manual.**

**(b) For any experimental, developmental, or operational equipment for which the appropriate equipment frequency authorization has not been made, the Contractor or subcontractor must provide the technical and operating characteristics of the proposed electromagnetic radiating device to the Center/Facility Spectrum Manager during the initial planning, experimental, or developmental phase of contractual performance.**

**(c) This clause, including this paragraph (c), must be included in all subcontracts that call for developing, producing, testing, or operating a device for which a radio frequency authorization is required.**

**(End of clause]**

CLEAN REGULATORY VERSION WITH CHANGES INCORPORATED:

**PART 1839**

**ACQUISITION OF INFORMATION AND COMMUNICATION TECHNOLOGY**

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**PART 1852  
SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

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