

UNITED STATES GOVERNMENT
National Labor Relations Board



Memorandum

July 20, 2026

TO: ACQUISITIONS MANAGEMENT BRANCH PERSONNEL

FROM: Isabel Luengo McConnell, Procurement Executive
National Labor Relations Board 

SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 26 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

1. **Effective Date:** Immediately
2. **Expiration Date:** This Class Deviation remains in effect until the changes described herein are incorporated in the FAR, superseded, or otherwise rescinded.
3. **Purpose:** This memorandum approves a class deviation to FAR Part 26 for purposes of implementing the FAR Council's model deviation text to FAR Part 26.
4. **Authority:** This class deviation is issued under the authority of Executive Order (*E.O.*) 14275, OMB M-25- 25, and 48 CFR Subpart 1.4.
5. **Background:** On April 15, 2025, *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- Remove duplicative or outdated language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 the 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.

- 6. Summary of Changes:** FAR Part 26, Other Socioeconomic Programs, has been reorganized within each subpart to follow the acquisition process (i.e., steps to take before solicitation vs. after award). This new structure makes it easier and faster to find needed information at each stage of a procurement.

Statutory requirements and presidential directives retained in the RFO FAR Part 26 model deviation include, but may not be limited to, the following:

- 6 U.S.C. § 796, Registry of Disaster Response Contractors
- 25 U.S.C. § 1544, Additional Compensation to Contractors of Federal Agency
- 41 U.S.C. §§ 8101 et seq, Drug Free Workplace
- 42 U.S.C. § 1792, Promoting Federal Food Donation
- 42 U.S.C. § 5150, Use of Local Firms and Individuals
- Pub. L. 100-707 (42 U.S.C. §§ 5121 et seq), Robert T. Stafford Disaster Relief and Emergency Assistance Act
- Pub. L. 114-328 Section 816, Amendments to Special Emergency Procurement Authority
- Pub. L. 114-328 Section 1641, Special Emergency Procurement Authority to Facilitate the Defense Against or Recovery from a Cyber Attack.
- E.O. 12928, Promoting Procurement with Historically Black Colleges and Universities, and Minority Institutions.

Retained	• All subparts remain. The subparts are restructured from numerous scattered sections to sections that now reflect the acquisition lifecycle. • The core tenets of the programs governed by Part 26 are preserved. ○ The 5% incentive payment for utilizing Indian organizations and Indian-owned economic enterprises as subcontractors remains allowable and is renumbered as 26.102-1. ○ The statutory preference for awarding contracts to local firms in the aftermath of a major disaster or emergency remains and is renumbered as 26.202-1. ○ The policy to encourage the participation of Historically Black Colleges and Universities and Minority Institutions in federal procurement continues and is renumbered as 26.301-1. ○ The policy encouraging contractors to donate excess wholesome food remains the same and is renumbered as 26.402-1. ○ The fundamental requirements to maintain a drug-free workplace continues and is renumbered as 26.504-1. • All existing provisions and clauses are retained. The following clauses are updated: • Clause 52.226-1, Utilization of Indian Organizations and Indian-Owned Economic Enterprises. • Clause 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations. This clause no longer flows down to subcontractors.
Removed	• Former sections 26.601, “Purpose”, 26.602, “Applicability”, and 26.603, “Definitions” are removed. The clause at 52.226-8 retains the definitions. • Former section 26.303, Data collection and reporting requirements is removed. Detailed data on contract awards is already captured and tracked through other methods (e.g., the Federal Procurement Data

	System (FPDS)). • The procedures for challenges to representations under the Indian Incentive Program were removed from FAR Part 26.103 and may be incorporated into non-regulatory guidance. • Information pertaining to the Disaster Response Registry was removed from FAR Part 26.205 and may be covered in non-regulatory guidance. • Procedures related to the Food Donation Program were removed from FAR 26.403 and may be retained in non-regulatory guidance.
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This table is not an exhaustive list.

7. **Instructions:** National Labor Relations Board (NLRB) acquisition workforce shall follow the RFO Part 26 model deviation text instead of FAR Part 26 as codified at 48 CFR Chapter 1. The FAR Council's RFO Part 26 model deviation text is available at *Acquisition.gov*, under the "[FAR Overhaul](#)" link.
8. **Applicability:** This deviation applies to all NLRB solicitations and new contracts as of July 13, 2026. This deviation does not apply to contracts signed and executed on or before July 13, 2026.
9. **Point of Contact:** Questions or comments on this class deviation may be directed to Delfina St. Clair, Director, Acquisitions Management Branch, at Delfina.St.Clair@nlrb.gov.