

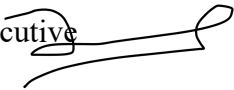
UNITED STATES GOVERNMENT
National Labor Relations Board



Memorandum

September 22, 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 44 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Date:** This Class Deviation remains in effect until the changes described herein are incorporated in the FAR, superseded, or otherwise rescinded.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 44 for purposes of implementing the FAR Council's model deviation text to FAR Part 44.
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- Remove duplicative or outdated language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 44, Subcontracting Policies and Procedures, has been updated to create a more agile, risk-based, and efficient system that empowers Contracting Officers, reduces administrative burdens on contractors, and encourages broader participation from the commercial sector.

Statutory requirements and government directives retained in the RFO FAR Part 44 model deviation include, but may not be limited to, the following:

- 10 U.S.C. § 3322(c) and 41 U.S.C. § 3905(c), Advance Notice of Certain Subcontracts
- 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services.

Retained	• The revised Part structure consolidates relevant guidance into process-oriented subparts: ○ Subpart 44.1 - Reserved ○ Subpart 44.2 - Evaluation and Award ○ Subpart 44.3 - Postaward ○ Subpart 44.4 - Subcontracts for Commercial Products and Commercial Services • Most of the “Definitions”, now at section 44.001 are retained with only minor, non-substantive wording changes, with the exception of “approved purchasing system”. This definition can still be found at clause 52.244-2. • Subpart 44.2 has been significantly streamlined to consolidate policies related to subcontract consent, advance notification, and the Contracting Officer's evaluation process. ○ The previous section 44.202-2(a) contained a detailed, 13- point checklist of considerations that the Contracting Officer was required to consider "at a minimum" for every consent request. Now, the new 44.201-3(b) provides a shorter, higher-level list of four situations that necessitate "careful and thorough review and consideration" of the request to subcontract. ○ Note that the FAR Companion Guide is expected to provide additional guidance on notice and consent best practices for commercial time and materials contracts. • Subpart 44.3 is reorganized and streamlined into five subsections (from seven separate sections): ○ 44.301-1 Objective ○ 44.301-2 Requirements ○ 44.301-3 Responsibilities for granting, withholding or withdrawing approval ○ 44.301-4 Notice ○ 44.301-5 Withholding or withdrawing approval • Section 44.402 now breaks down “Requirements” into three distinct categories that improve readability: ○ Preference (for commercial products and services) ○ Flowdown (rules for flowing down clauses) ○ Inapplicable laws (laws that do not apply to commercial products and services)
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	• The following clauses are retained (or remain reserved if previously reserved) with no changes to the text. ○ 52.244-1 Reserved ○ 52.244-2 Subcontracts ○ 52.244-3 Reserved ○ 52.244-4 Subcontractors and Outside Associates and Consultants (Architect-Engineer Services) ○ 52.244-5 Competition in Subcontracting • The following clause is retained, with streamlining updates to reflect other RFO changes and references. ○ 52.244-6 Subcontracts for Commercial Products and Commercial Services.
Removed	• The use of Administrative Contracting Officer (ACO) is no longer used as a designation. The Part now reflects “Contracting Officer” where ACO was previously shown. • The requirements for Contractor Purchasing System Reviews (CPSR) are significantly streamlined to remove overly prescriptive conditions. ○ “Extent of Review”, with its 11 special attention areas, is removed (former section 44.303). ○ “Reports”, with its distribution requirements, is removed (former section 44.307).

This table is not an exhaustive list.

- 7. Instructions:** National Labor Relations Board (NLRB) acquisition workforce shall follow the RFO Part 44 model deviation text instead of FAR Part 44 as codified at 48 CFR Chapter 1. The FAR Council’s RFO Part 44 model deviation text is available at *Acquisition.gov*, under the “[FAR Overhaul](#)” link.

Do not include any of the removed provisions or clauses in future solicitations and contracts.

For open solicitations or awarded contracts, the contracting officer has discretion regarding the need to enforce or amend the provisions or clauses.

- 8. Applicability:** This deviation applies to all NLRB solicitations and new contracts as of September 4, 2026. This deviation does not apply to contracts signed and executed on or before September 4, 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.