



DECISION MEMORANDUM

TO: Office of Finance, Procurement Staff

FROM: Tracie Hamilton, (Acting) Senior Procurement Executive

DATE: May 15, 2026

SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation 26-002 for FAR Part 9 in Support of Executive Order on Restoring Common Sense to Federal Procurement

Purpose: This memorandum approves a class deviation to Federal Acquisition Regulation Part 9 for purposes of implementing (1) the Federal Acquisition Regulatory Council's Revolutionary FAR Overhaul (RFO) model deviation text to FAR Part 9 and (2) the FAR Council's April 17, 2026 guidance for agency implementation of Executive Order 14398, *Addressing DEI Discrimination by Federal Contractors*.

Authority: This class deviation is issued under the authority of Executive Order 14275, Executive Order 14398, 48 CFR 1.4, and RFO FAR 1.304.

Background: On April 15, 2025, EO 14275 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." In accordance with the Revolutionary FAR Overhaul (RFO) initiative, 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- Remove duplicative or outdated language.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.

E.O. 14398 was issued on March 26, 2026, establishing that agencies should not do business with contractors that engage in any racially discriminatory diversity, equity, and inclusion (DEI) activities. In accordance with Section 5 of E.O. 14398, the FAR Council is issuing a deviation to update the model deviation text.

Summary of Changes: FAR Part 9, largely based on statute, establishes the standards and procedures for determining contractor responsibility and eligibility for federal contracts, ensuring that only qualified, reliable contractors receive government awards. It protects the government's interests by requiring contractors to demonstrate they have adequate financial resources, technical capability, integrity, and past performance to successfully fulfill contract requirements.

Statutory requirements and government directives retained in the RFO FAR Part 9 model deviation include, but are not limited to, the following:

- 6 U.S.C. 395, Prohibition on Contracts with Corporate Expatriates
- 10 U.S.C. 3206 and 41 U.S.C. 3306, Planning and Solicitation Requirements
- 10 U.S.C. 3243 and 41 U.S.C. 3311, Qualification Requirements
- 22 U.S.C. 2593e, Measures Against Activities that Violate Arms Control Treaties
- 41 U.S.C. 113, Responsible Source
- 41 U.S.C. 2303, Ethics Safeguards Related to Contractor Conflicts of Interest
- 41 U.S.C. 2304, Conflict of Interest Standards for Consultants
- 41 U.S.C. 2313, Database for Suspension and Debarment Officials
- Pub. L. 103-355 Sec 2455, Uniform Suspension and Debarment
- Pub. L. 111-84 Sec 815, Clarification of Uniform Suspension and Debarment Requirement
- Pub. L. 117-324, Preventing Organization Conflicts of Interest in Federal Acquisition E.O. 12549 and E.O. 12689, Debarment and Suspension

Other key changes include, but are not limited to:

Change	Description
Retained	<ul style="list-style-type: none"> • Subparts 9.1, 9.2, and 9.3 are significantly streamlined with some shifting and reorganizing of sections and subsections throughout. • Subparts 9.4 “Debarment, Suspension, and Ineligibility”, and 9.5 “Organizational and Consultant Conflicts of Interest”, are retained and updated with plain language edits. • The following provision and clause are retained (or remain reserved if previously reserved) with no changes to the text: <ul style="list-style-type: none"> ○ 52.209-8 remains reserved ○ 52.509-12 (Provision), Certification Regarding Tax Matters ○ 52.209-14 (Clause), Reserve Officer Training Corps and Military Recruiting on Campus
Removed	<ul style="list-style-type: none"> • Section 9.000 “Scope of Part” has been removed as the language was duplicative. • The definition of “Surveying activity” has been removed from section 9.101, “Definitions”. • Section 9.104-2 “Special Standards” has been removed and may be moved to non-regulatory content. • Section 9.106 “Preaward Surveys” has been removed and may be moved to non-regulatory content. This includes the reference to utilizing the Standard Form 1403, Preaward Survey of Prospective Contractor (General). • Section 9.107 “Surveys of Nonprofit Agencies Participating in the AbilityOne Program” has been removed. The AbilityOne Program is covered in Part 8 and nuances of pre-award surveys relevant to the AbilityOne Program are now covered in non-regulatory content. • Subpart 9.6 “Contractor Team Arrangements” has been removed and may be moved to non-regulatory content. • Subpart 9.7 “Defense Production Pools and Research and Development Pools”, has been removed and may be moved to non-regulatory content.
Updated	<ul style="list-style-type: none"> • For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at RFO FAR part 52.

	<ul style="list-style-type: none"> • The following provisions and clauses have been updated to reflect plain language, update cross-references, or to correspond with updates made within the part: <ul style="list-style-type: none"> ○ 52.209-1 (Clause), Qualification Requirements ○ 52.209-2 (Provision), Prohibition on Contracting with Inverted Domestic Corporations-Representation ○ 52.209-3 (Clause), First Article Approval-Contractor Testing Note - The Alternates are not updated ○ 52.209-4 (Clause), First Article Approval-Government Testing Note - The Alternates are not updated ○ 52.209-5 (Provision), Certification Regarding Responsibility Matters ○ 52.209-6 (Clause), Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, Proposed for Debarment, or Voluntarily Excluded ○ 52.209-7 (Provision) Information Regarding Responsibility Matters ○ 52.209-9 (Clause), Updates of Publicly Available Information Regarding Responsibility Matters ○ 52.209-10 (Clause), Prohibition on Contracting with Inverted Domestic Corporations ○ 52.209-11 (Provision), Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law ○ 52.209-13 (Provision) Violation of Arms Control Treaties or Agreements-Certification
Added	<ul style="list-style-type: none"> • Sections 9.406-2 and 9.407-2 reference a new clause 52.222-90, Addressing DEI Discrimination by Federal Contractors (APR 2026) and makes clear that failure to comply with the clause may result in debarment or suspension.

Applicability: This class deviation applies to all Peace Corps procurements.

Instructions:

- The Peace Corps acquisition workforce must follow RFO part 9 and corresponding part 52 model deviation text instead of FAR parts 9 and 52 as codified at 48 CFR Chapter 1. The FAR Council's RFO Part 9 deviation text is available at <https://www.acquisition.gov/far-overhaul> and is incorporated into this class deviation.
- Do not include the removed FAR provisions and clauses in future solicitations and contracts, utilize the RFO Part 52 model deviation text available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-52>. For open solicitations or awarded contracts, the contracting officer has discretion regarding the need to enforce or amend the clause.
- For ease of reference, GSA's Office of Acquisition Policy has created a helpful tool to easily find and sort provision and clause changes: [GSA RFO Part 52 matrix tool](#).
- The Peace Corps acquisition workforce must use the definitions (Part 2 - Definitions of Words and Terms) available at <https://www.acquisition.gov/far-overhaul>.
- Peace Corps' Office of Finance/Procurement staff shall review internal templates and related standard operating procedures to remove unnecessary steps.

Effective Date: Immediately. This class deviation remains in effect until the changes described herein are incorporated in the FAR, superseded, or otherwise rescinded.

Point of Contact: Questions or comments on this class deviation should be directed to cfo@peacecorps.gov.