



December 1, 2025

Supplement Updates to Class Deviations for Federal Acquisition Regulation Parts 5, 8, 9, 12, and 13 in Support of Executive Order 14275, Restoring Common Sense to Federal Procurement (2025-009)

1. **Purpose:** To issue supplement updates to class deviations to Federal Acquisition Regulation (FAR) Parts 5, 8, 9, 12, and 13 for purposes of implementing the FAR Council’s model deviation text to FAR Parts 5, 8, 9, 12, and 13.
2. **Effective Date:** This class deviation is effective consistent with the effective dates of the respective applicable SEC implementing deviations and remains in effect until rescinded or incorporated into the FAR.
3. **Expiration Date:** Expires when incorporated into the FAR or is otherwise rescinded.
4. **Background:** [Executive Order \(E.O.\) 14275 on Restoring Common Sense to Federal Procurement](#), between May and September 2025, the FAR Council issued model deviation text by FAR part in support of the Revolutionary FAR Overhaul (RFO) initiative. This initiative is intended to make the FAR more concise, understandable, and focused on core procurement requirements.

In accordance with OMB Memorandum M-25-26, GSA issued implementing class deviations following release of each RFO FAR part deviation text. More information about the purpose of the RFO initiative and background on individual model deviation language can be found in the original GSA implementing deviation for each part.

Subsequent review by GSA has identified the need to update and amend the implementing deviations for RFO FAR parts 5, 8, 9, 12, and 13. The specific changes and rationale are discussed below.

5. Summary of Supplement Updates.

RFO FAR Parts 5, 12, and 13	
Background	RFO FAR parts 5, 12, 13, and 23 included corresponding definition updates to part 2, but the implementing GSA deviations did not provide instructions to the workforce on how to use the revised part 2 definitions in concert with existing definitions in part 2.

Supplement Update	<p>In SEC’s class deviations implementing RFO FAR Parts 5, 12, and 13, section 6. “Required Action”, is updated to add the following bullet:</p> <ul style="list-style-type: none"> • The SEC acquisition workforce must use the definitions (Part 2 – Definitions of Words and Terms) found on Acquisition.gov/far-overhaul. <p>The remainder of the deviations are unchanged.</p>
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RFO FAR Part 8	
Background	<p>The FAR Council initially released the RFO FAR part 8 model deviation text on August 14, 2025, which required use of Office of Federal Property Policy best-in-class (BIC) contracts. On August 29, 2025, OFPP updated the model deviation text to reference “required use” contracts at 8.104 instead of BIC contracts. It is understood that OFPP will be establishing a new class of “required use” contracts (and associated criteria) that will be separate from BIC contracts. “Required use” contracts will be mandatory. BICs may be prioritized, but they are not mandatory.</p> <p>SEC’s class deviation implementing RFO FAR part 8 is amended as follows, to reflect the updated RFO FAR part 8 model deviation text:</p>
Supplement Update 1	<p>Section 5, “Summary of Changes” is updated as follows:</p> <p>5. Summary of Changes. FAR part 8, Required Sources of Supplies and Services, is significantly updated. The model deviation language:</p> <ul style="list-style-type: none"> • Enhances usability by restructuring and organizing the part in the logical flow of the acquisition lifecycle. • Simplifies mandatory source guidance. • Makes the use of Governmentwide Best-In-Class (BIC) contracts mandatory[Makes the use of OFPP-designated “Required Use” contracts mandatory]. • Retains focus on the importance of the AbilityOne Program.
Supplement Update 2	<p>The fourth bullet in the “Retained” section of the table in Section 5, “Summary of Changes”, is updated as follows:</p> <ul style="list-style-type: none"> • Use of Existing Contracts. 8.104 replaces section 8.004, “Use of Other Sources”. Best in class (BIC)[OFPP-designated “Required Use”] contracts or BPAs are now required[mandatory] to be used when a commercial product or commercial service meets an agency’s need, unless approved by the Head of the Contracting Activity (HCA). If a BIC[“required use” contract] is not suitable, agencies should consider use of an existing governmentwide contract, BPA, or shared service.
Miscellaneous	<ul style="list-style-type: none"> • OFPP is expected to provide more information about “required use” contracts in the future.

RFO FAR Part 9

Background	The SEC implementing deviation stated that all existing provisions and clauses are retained (or remain reserved if previously reserved) with no changes to the text. The implementing class deviation is amended as follows to highlight that some provisions and clauses were updated.
Supplement Update 1	<p>The third bullet in the “Retained” section of the table in Section 5, “Summary of Changes”, is updated as follows:</p> <p>From: All existing provisions and clauses are retained (or remain reserved if previously reserved) with no changes to the text.</p> <p>To: The following provision and clause are retained (or remain reserved if previously reserved) with no changes to the text:</p> <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
Supplement Update 2	<p>A new section titled, “Updated” is added to the table in Section 5, “Summary of Changes”. The following bullet is added:</p> <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 <ul style="list-style-type: none"> ■ Note - The Alternates are not updated ○ 52.209-4 (Clause), First Article Approval-Government Testing <ul style="list-style-type: none"> ■ 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

Supplement Update 3	<p>Section 6, "Required Action" is updated to add the following bullets:</p> <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 text language at RFO FAR Part 52.• For open solicitations or awarded contracts, the contracting officer has discretion regarding the need to enforce or amend the provisions or clauses. Note that without some of the removed provisions or clauses, the contracting officer may be required to separately address certain aspects in the contract. <p>All other bullets in Section 6, "Required Action", are unchanged.</p>
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6. Applicability: This supplement to applicable class deviations applies to all SEC procurements.

7. Authority: This class deviation is issued under the authority of Executive Order 14275, OMB Memo M-25-26, 48 CFR 1.4., and RFO FAR 1.304.

8. Point of Contact: If you have any questions, please contact the SEC Office of Acquisitions Policy at Acquisitions-Policy@sec.gov.

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