

(DEVIATION FEB 2025)

**Executive Order 14173, "Ending Illegal Discrimination and
Restoring Merit-Based Opportunity," of January 21, 2025, revoking
Executive Order 11246, Equal Employment Opportunity**

Baseline is FAC 2025-03, published in the Federal Register on
January 3, 2025, effective January 17, 2025.

Changes made in the proposed rule are shown by **[additions]**
and ~~deletions~~.

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PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

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Subpart 1.1—Purpose, Authority, Issuance

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1.106 OMB approval under the Paperwork Reduction Act.

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FAR segment	OMB control No.
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22.8	1250-0003
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52.222-21	1250-0003
52.222-22	1250-0003
52.222-23	1250-0003
52.222-25	1250-0003
52.222-26	1250-0001 and 1250-0003
52.222-27	1250-0003

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PART 2—DEFINITIONS OF WORDS AND TERMS

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Subpart 2.1—Definitions

2.101 Definitions.

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United States, when used in a geographic sense, means the 50 States and the District of Columbia, except as follows:

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(2) **[Reserved]** ~~For use in subpart 22.8, see the definition at 22.801.~~

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PART 4—ADMINISTRATIVE AND INFORMATION MATTERS

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Subpart 4.12—Representations and Certifications

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4.1202 Solicitation provision and contract clause.

(a) * * *

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(18) **[Reserved]** ~~52.222-22, Previous Contracts and Compliance Reports.~~

(19) **[Reserved]** ~~52.222-25, Affirmative Action Compliance.~~

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PART 14—SEALED BIDDING

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Subpart 14.4—Opening of Bids and Award of Contract

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14.405 Minor informalities or irregularities in bids.

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~~(c) Execute the representations with respect to Equal Opportunity and Affirmative Action Programs, as set forth in the clauses at 52.222-22, Previous Contracts and Compliance Reports, and 52.222-25, Affirmative Action Compliance.~~

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PART 19—SMALL BUSINESS PROGRAMS

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Subpart 19.6—Certificates of Competency and Determinations of Responsibility

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19.602 Procedures.

19.602-1 Referral.

(a) * * *

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(2) Refer the matter to the cognizant SBA Government Contracting Area Office (Area Office) serving the area in which the headquarters of the offeror is located, in accordance with agency procedures, except that referral is not necessary if the small business concern—

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(ii) Is suspended or debarred under ~~Executive Order 11246~~ or subpart 9.4.

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PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

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Subpart 22.8[Reserved]

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PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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Subpart 52.2—Text of Provisions and Clauses

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52.204-8 Annual Representations and Certifications.

As prescribed in 4.1202(a), insert the following provision:

Annual Representations and Certifications (JAN 2025) (DEVIATION FEB 2025)

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(c) (1) * * *

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(xiv) **[Reserved]** ~~52.222-22, Previous Contracts and Compliance Reports. This provision applies to solicitations that include the clause at 52.222-26, Equal Opportunity.~~

(xv) **[Reserved]** ~~52.222-25, Affirmative Action Compliance. This provision applies to solicitations, other than those for construction, when the solicitation includes the clause at 52.222-26, Equal Opportunity.~~

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52.212-3 Offeror Representations and Certifications—Commercial

Products and Commercial Services.

As prescribed in 12.301(b)(2), insert the following provision:

Offeror Representations and Certifications—Commercial Products and Commercial Services (MAY 2024) (DEVIATION FEB 2025)

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(d) ~~[Reserved] Representations required to implement provisions of Executive Order 11246—~~

~~(1) Previous contracts and compliance. The offeror represents that—~~

~~(i) It ☐ has, ☐ has not participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation; and~~

~~(ii) It ☐ has, ☐ has not filed all required compliance reports.~~

~~(2) Affirmative Action Compliance. The offeror represents that—~~

~~(i) It ☐ has developed and has on file, ☐ has not developed and does not have on file, at each establishment, affirmative action programs required by rules and regulations of the Secretary of Labor (41 CFR parts 60-1 and 60-2), or~~

~~(ii) It ☐ has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.~~

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52.212-5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Products and Commercial Services.

As prescribed in 12.301(b)(4), insert the following clause:

**Contract Terms and Conditions Required To Implement Statutes or
Executive Orders—Commercial Products and Commercial Services** (JAN
2025) (DEVIATION FEB 2025)

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(b) * * *

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~~___ (33) **[Reserved]** 52.222-21, Prohibition of Segregated Facilities
(APR 2015).~~

~~___ (34) **[Reserved]** (i) 52.222-26, Equal Opportunity (SEPT 2016)
(E.O. 11246).~~

~~___ (ii) Alternate I (FEB 1999) of 52.222-26.~~

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(e) (1) * * *

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~~(ix) **[Reserved]** 52.222-21, Prohibition of Segregated Facilities
(APR 2015).~~

~~(x) **[Reserved]** 52.222-26, Equal Opportunity (SEP 2016) (E.O.
11246).~~

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Alternate II (JAN 2025) (DEVIATION FEB 2025). * * *

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(e) (1) * * *

(ii) * * *

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(I) **[Reserved]** ~~52.222-21, Prohibition of Segregated Facilities~~
~~(APR 2015).~~

(J) **[Reserved]** ~~52.222-26, Equal Opportunity (SEP 2016) (E.O.~~
~~11246).~~

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**52.213-4 Terms and Conditions—Simplified Acquisitions (Other Than
Commercial Products and Commercial Services).**

As prescribed in 13.302-5(d), insert the following clause:

**Terms and Conditions—Simplified Acquisitions (Other Than
Commercial Products and Commercial Services)**

(JAN 2025) (DEVIATION FEB 2025)

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(a) * * *

(1) * * *

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(vii) **[Reserved]** ~~52.222-21, Prohibition of Segregated Facilities~~
~~(APR 2015).~~

(viii) **[Reserved]** ~~52.222-26, Equal Opportunity (SEP 2016) (E.O.~~
~~11246).~~

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52.222-9 Apprentices and Trainees.

As prescribed in 22.407(a), insert the following clause:

Apprentices and Trainees (JUL 2005) (DEVIATION FEB 2025)

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~~(c) Equal employment opportunity. The utilization of apprentices,~~

~~trainees, and journeymen under this clause shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, and 29 CFR part 30.~~

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52.222-21 [Reserved]

52.222-22 [Reserved]

52.222-23 [Reserved]

52.222-24 [Reserved]

52.222-25 [Reserved]

52.222-26 [Reserved]

52.222-27 [Reserved]

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52.222-29 [Reserved]

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52.244-6 Subcontracts for Commercial Products and Commercial Services.

As prescribed in 44.403, insert the following clause:

Subcontracts for Commercial Products and Commercial Services (JAN 2025) (DEVIATION FEB 2025)

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(c) (1) * * *

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(xi) **[Reserved]** ~~52.222-21, Prohibition of Segregated Facilities (APR 2015).~~

(xii) **[Reserved]** ~~52.222-26, Equal Opportunity (SEP 2016) (E.O.~~

~~11246~~).

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