

**CLASS DEVIATION
FINDINGS AND DETERMINATION
FEDERAL ACQUISITION REGULATION (FAR) PART 8 – REQUIRED SOURCES OF
SUPPLIES AND SERVICES**

Findings

1. The objective of this class deviation is to implement the Federal Acquisition Regulatory Council’s model deviation text to the Federal Acquisition Regulation (FAR) Part 8 – Required Sources of Supplies and Services, and applicable section of FAR Part 52 - Solicitation Provisions and Contract Clauses.
2. On April 15, 2025, President Donald J. Trump issued Executive Order (E.O.) 14275, *Restoring Common Sense to Federal Procurement*. Section 2 of the E.O. established 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.”
3. On May 2, 2025, the Office of Management and Budget (OMB) issued memorandum M-25-26, *Overhauling the Federal Acquisition Regulation*, initiating a major overhaul of the FAR (Revolutionary FAR Overhaul, or “RFO”). The memorandum tasked the Office of Federal Procurement Policy (OFPP) with leading the RFO, in coordination with the other members of the Federal Acquisition Regulatory Council – i.e., the General Services Administration (GSA), the Department of Defense (DOD), and the National Aeronautics and Space Administration (NASA) and federal buying agencies. The goal is refocusing the FAR on its statutory roots. To that end, 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 - Remove duplicative or outdated language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 language for the new FAR framework
 - Retain language necessary for governmentwide acquisition standards

The OMB memorandum M-25-26 established a two phased approach to implementing enterprise deregulation as follows: Phase one, FAR Council deviation guidance, and phase two, formal rulemaking. Phase one involves the FAR Council issuing guidance on a rolling basis with clear, plain language model deviation text organized by FAR part. The goal is streamlining the regulation by aligning it more closely to its statutory base. According to the memorandum, agencies should adopt this model deviation text within 30 days by issuing either individual or class deviations.

4. On May 2, 2025, the FAR Council issued further implementing guidance in a memorandum titled *Deviation Guidance to Support the Overhaul of the Federal Acquisition Regulation*. Pursuant to the FAR Council’s memorandum, “agencies that adopt the Council’s RFO class deviation text without change or require different text only

to address statutory direction unique to the agency, do not need to coordinate with the Council.”

5. On August 14, 2025, the FAR Council issued model deviation text for FAR Part 8 and corresponding clauses at FAR Part 52. FAR Part 8 is significantly updated. The model deviation language:
 - 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.
 - Retains focus on the importance of the AbilityOne Program.

This revolutionary change also moves the procedures for ordering under the Federal Supply Schedule (FSS) from the FAR into the General Services Administration Acquisition Regulation (GSAR). The new language represents a significant shift from the overly prescriptive framework found in FAR subpart 8.4. FSS ordering procedures have been revised to create a streamlined structure that provides only the essential requirements needed to place orders and establish blanket purchase agreements (BPAs) against FSS contracts. This streamlined structure enhances the speed of acquisition and empowers acquisition professionals to use innovative approaches to acquire products/services/solutions under the FSS program.

Statutory requirements retained in the RFO FAR part 8 model deviation include, but are not limited to, the following:

- 10 U.S.C. § 3905, Products of Federal Prison Industries
- 18 U.S.C. § 4124, Purchase of Prison-Made Products by Federal Departments
- 40 U.S.C. § 501, Services for Executive Agencies
- 41 U.S.C. § 152(3), Competitive Procedures
- 41 U.S.C. § 3302, Requirements for Purchase of Property and Services Pursuant to Multiple Award Contracts
- 41 U.S.C. §§ 8501 et seq, Committee for Purchase from People Who are Blind or Severely Disabled
- 44 U.S.C. §§ 501 et seq, Production and Procurement of Printing and Binding
- Pub. L. 108-136, Title XIV, Services Acquisition Reform Act of 2003

Other updates within Part 8 include:

- The substance of the “**Scope**” in 8.000 is retained.
- Many **definitions**, previously scattered across different subparts of part 8, are now consolidated at new section 8.001.
- **Use of Mandatory Sources.** The priorities and requirements for use of mandatory sources are moved from 8.002 to new sections 8.102, and 8.103. Former section 8.003, “Use of Other Mandatory Sources”, is deleted, but its content is preserved and merged into the new section 8.101.
- **Use of Existing Contracts.** 8.104 replaces section 8.004, “Use of Other Sources”. Best-in-class (BIC) contracts or BPAs are now required 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 is not suitable, agencies should consider use of an existing governmentwide contract, BPA, or shared service.

- **Contractor permitted use of Government supply sources.** This new content moves from FAR part 51 to the new section at 8.105. A new clause is prescribed in section 8.105-1 and discussed below.
- **Contractor Use of GSA Fleet.** Former subpart 8.11, “**Leasing of Motor Vehicles**”, is deleted but guidance for authorizing contractor use of GSA Fleet is preserved and moved to section 8.105-3.
- **Ordering under the Federal Supply Schedule.** This new subpart 8.4 directs agencies to follow the ordering procedures established by GSA found at General Services Acquisition Regulation (GSAR) part 538.
- Requirements and procedures for Acquisition from Federal Prison Industries, Inc. are retained and streamlined. The content has been moved from subpart 8.6 to new subpart 8.3.
- Requirements and procedures for **Acquisition from AbilityOne Participating Nonprofit Agencies** are retained and streamlined. The content has been moved from subpart 8.7 to new subpart 8.2.
- Requirements and procedures for **Acquisitions of Government Printing and Related Supplies** are retained and streamlined. The content has been moved from subpart 8.8 to new subpart 8.5.
- The following clauses in Part 52 are retained or relocated from other parts:
 - Clause 52.208-9, Contractor Use of Mandatory Sources of Supply and Services, is streamlined.
 - The prescription is now at 8.105-1(b).
 - Clause 52.208-10 Government Supply Sources (previously at 52.251-1)
 - The prescription is now 8.105-2(c).
 - Clause 52.208-11, GSA Fleet and Related Services (previously at 52.251-2)
 - The prescription is now at 8.105-3(c).
 - 52.208-1 through 52.208-8 remain reserved.

Sections removed from either Part 8 or Part 52 include:

- Section 8.001, “**General**”, is removed. It contained a general requirement for IT acquisitions to comply with capital planning rules. This information is not specific to the core purpose of part 8.
- Subpart 8.1, “**Excess Personal Property**” is removed. The new 8.103(a)(2) points readers to the authoritative Federal Management Regulation (41 C.F.R. 102-36) to avoid outdated information.
- Subpart 8.4, “**Federal Supply Schedules**” is retitled to “Ordering under the Federal Supply Schedule” and streamlined with much of the content moving to GSAM/R 538.
- The following clauses associated with “**Leasing of Motor Vehicles**” are removed:
 - 52.208-4, Vehicle Lease Payments
 - 52.208-5, Condition of Leased Vehicles

- 52.208-6, Marking of Leased Vehicles
- 52.208-7, Tagging of Leased Vehicles

Determination

In accordance with RFO 1.304 *Class deviations* and Department of Energy Acquisition Regulation (DEAR) 901.404 *Class deviations*, to fully comply with the requirement of E.O. 14275 and the revised FAR Parts 8 and 52, it is hereby determined that a class deviation is appropriate pursuant to OMB memorandum M-25-26 (Attachment 1) and the FAR Council memorandum (Attachment 2) issued on May 2, 2025, using the RFO model deviation text for Part 8 and applicable sections of Part 52 (Attachment 3). Specifically, DOE/NNSA will use the RFO model deviation text for Part 8 in lieu of 48 Code of Federal Regulations (CFR) Part 8, and the RFO model deviation text for the applicable sections of Part 52 in lieu of 48 CFR 52.208-1 through 52.208-9. Once approved, the Department will share the deviation widely among its workforce to ensure full awareness of and compliance with the revisions to the affected regulations. This class deviation is effective November 3, 2025, and will remain effective until cancelled or incorporated into the FAR.

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Attachments:

OMB Memorandum M-25-26, *Overhauling the Federal Acquisition Regulation*
FAR Council Memorandum, *Deviation Guidance to Support the Overhaul of the Federal Acquisition Regulation*
RFO Parts 8 and 52 Model Deviation Text