

**CLASS DEVIATION
FINDINGS AND DETERMINATION
FEDERAL ACQUISITION REGULATION (FAR) PART 17 – SPECIAL
CONTRACTING METHODS**

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 17 – Special Contracting Methods, and applicable sections 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 - Remove duplicative or outdated language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 September 11, 2025, the FAR Council issued model deviation text for FAR Part 17 and corresponding clauses at FAR Part 52. FAR Part 17, Special Contracting Methods, has been streamlined. The revisions can be characterized by three overarching themes: organizing information in a way that is easier to understand and use; combining related topics and removing repeated information; and making the language clearer through simpler sentences, active voice, and better formatting.

Statutory requirements retained in the RFO FAR part 17 model deviation include, but may not be limited to, the following:

- 41 U.S.C. § 3903 and 10 U.S.C. § 3501, Multiyear Contracts
- 31 U.S.C. § 1341, Limitations on Expending and Obligating Amounts
- 31 U.S.C. § 1535, The Economy Act
- Pub. L. 110-417 Sec. 865, Preventing Abuse of Interagency Contracts
- Pub. L. 110-181 Sec. 801, Internal Controls for Procurements on Behalf of the Department of Defense by Certain Non-defense Agencies

Sections Retained and/or Modified:

- Section 17.000 "**Scope of Part**", is retained and expanded to provide a more complete list of the special contracting methods covered within the part.
- Subpart 17.1 "**Multiyear Contracting**", is retained and restructured. This reorganization involves the deletion of some sections, the consolidation of others, and the creation of new sections to house relocated and revised content.
- The "Definitions" for multiyear contracting are moved to section 17.102, and all **are retained** with some plain language or clarifying updates.
- The "Policy" for multiyear contracting is moved to subsection 17.103-1 and revised to include two statutory requirements for DoD when considering entering into a multiyear contract for supplies:
 - (b)(6): The contract must promote national security of the United States.
 - (b)(7): For contracts valued at \$500,000,000 or more, the Secretary must certify that specific conditions outlined in 10 U.S.C. § 3501 will be met.
- Subpart 17.2 "**Options**", is retained and restructured. This reorganization involves the consolidation of some sections, and the creation of new sections to house relocated and revised content.
- Subpart 17.3 remains reserved.
- Subpart 17.5 "**Interagency Acquisitions**", is updated with plain- language revisions and formatting improvements for clarity.
- Subparts 17.6 and 17.7 are reordered, creating a more logical flow by placing all content concerning interagency acquisitions in sequential order.
 - "Interagency Acquisitions: Acquisitions by Non- defense Agencies on Behalf of the Department of Defense"
 - Previously at subpart 17.7, now at 17.6

- "Management and Operating Contracts"
 - Previously at subpart 17.6, now at 17.7
- Subparts 17.1 "Multiyear Contracting", 17.2 "Options", 17.7 "Management and Operating Contracts", and 17.8 "Reverse Auctions" are reorganized to follow the stages of the acquisition lifecycle
 - **Presolicitation**
 - **Evaluation and Award**
 - **Postaward**
- All clauses and provisions prescribed in this Part are retained.
 - The following provisions have been updated to reflect current cross-references:
 - 52.217-4, Evaluation of Options Exercised at Time of Contract Award
 - 52.217-5, Evaluation of Options
 - Please note that the fill-ins at 52.217-8 and 52.217-9 remain the same and must still be completed by the acquisition team.

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 17 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 17 and applicable sections of Part 52 (Attachment 3). Specifically, DOE/NNSA will use the RFO model deviation text for Part 17 in lieu of 48 Code of Federal Regulations (CFR) Part 17, and the RFO model deviation text for the applicable sections of Part 52 in lieu of the applicable sections of 48 CFR 52.217-1 through 52.217-12. 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 on 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 17 and 52 Model Deviation Text