

**CLASS DEVIATION
FINDINGS AND DETERMINATION
FEDERAL ACQUISITION REGULATION (FAR) PART 13 - SIMPLIFIED
PROCEDURES FOR NONCOMMERCIAL ACQUISITIONS (formerly SIMPLIFIED
ACQUISITION PROCEDURES)**

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 13 - *Simplified Procedures for Noncommercial Acquisitions* (formerly *Simplified Acquisition Procedures*), 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 - Remove duplicative or outdated language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 18, 2025, the FAR Council issued model deviation text for FAR Part 13 and corresponding clauses at FAR Part 52. RFO Part 13 has been significantly revised from a focus on simplified procedures for the acquisition of commercial products and services to a focus on simplified procedures for the acquisition of noncommercial products and services valued at or below the simplified acquisition threshold (SAT).

The procedures in this Part may be used only if there are no commercial products or commercial services that can satisfy the agency’s needs (see RFO Part 12), and the supplies or services are not available from a required source (see RFO Part 8). It is important to note that some statutory text and other text essential to support sound procurement has been or will be moved to other RFO FAR parts, to include:

- Definition of governmentwide commercial purchase card (RFO Part 2)
- Simplified procedures for procuring commercial items (RFO Part 12)
- Price or cost evaluation factor for multiple-award contracts (RFO Part 16)
- Advance payments for subscriptions and fast payment procedures (RFO Part 32)

Statutory requirements retained in the RFO FAR Part 13 model deviation include, but are not limited to, the following:

- 41 U.S.C. §§ 1901-1905, *Simplified Acquisition Procedures*
- 41 U.S.C. § 3305 and 10 U.S.C. § 3205, *Simplified Procedures for Small Purchases*
- 41 U.S.C. § 3306 and 10 U.S.C. § 3206, *Planning and Solicitation Requirements*

In addition, the following table provides a non-exhaustive list of non-statutory requirements that have been revised and retained, or removed from Part 13:

Change	Description
Retained	• 13.001, <i>Applicability</i>, retains the prohibition on splitting requirements to stay below the SAT. • 13.101, <i>Competition</i>, retains the requirement that agencies must promote competition to the maximum extent practicable when procuring noncommercial products and services valued at or below the SAT. • 13.102, <i>Small Business</i>, retains the requirement that acquisitions of supplies or services with an anticipated dollar value above the micro-purchase threshold, but at or below the SAT, must be set aside for small business concerns.

	• 13.301, <i>Notifications</i>, consolidates instructions for notifying unsuccessful quoters. It retains award notice posting requirements of FAR Subpart 5.3 and brief explanations. • 13.302, <i>Cancellations and Terminations</i>, provides a clear distinction between canceling an unaccepted purchase order and terminating an accepted purchase order and directs the contracting officer to FAR Part 49 or clause 52.213-4 for terminations.
Moved / Updated	• The revised part structure now reflects the acquisition lifecycle as follows: ○ Subpart 13.1 - <i>Presolicitation</i> ○ Subpart 13.2 - <i>Solicitation, Evaluation, and Award</i> ○ Subpart 13.3 - <i>Postaward</i> ○ Subpart 13.4 - <i>Micro-purchases</i> • The list of inapplicable laws in former 13.005 is moved to a dynamic link, now at 13.001. • The definition of “governmentwide commercial purchase card” is moved from the former 13.001, <i>Definitions</i>, to section 2.101. • Content regarding price or cost evaluation factors for multiple-award contracts is moved from the former 13.106-1 to RFO Part 16. • 13.201, <i>Procedures</i>, and 13.202, <i>Evaluation</i>, cross reference Part 12. This cross-referencing promotes consistency in government procurement practices, reducing the need for contracting officers to master two distinct sets of procedures for simple buys and leverages the best practices in commercial acquisitions. • 13.204, <i>Contract Clauses</i>, authorizes the use of the revised clause 52.213-4 for a streamlined set of terms and conditions for inspection / acceptance, excusable delays, terminations, and warranties. ○ The primary clause for noncommercial simplified acquisitions, 52.213-4, has been retitled and revised. The title is changed from “Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services)” to “Terms and Conditions—Simplified Acquisitions (Noncommercial)” to align with the new focus of Part 13. ○ 13.204(c) explicitly prohibits the use of Part 12 clauses (52.212-1, 52.212-2, and 52.212-4) in noncommercial acquisitions. • 13.303, <i>Contractor Financing and Payments</i>, now directs readers to Part 32 for payment procedures, including fast payment procedures. • 13.401, <i>General</i>, for micro-purchases, now points to Part 12 when making purchases below the micro-purchase threshold

	ensuring that the simplest and most common type of acquisition is governed by a single, consistent set of rules, regardless of whether the item is commercial or noncommercial.
Removed	• A significant amount of content has been streamlined, and removed from Part 13 and shifted to other parts of the FAR as highlighted above. • The following clauses were deleted: ○ 52.213-1, <i>Fast Payment Procedure</i>. Fast payments procedures will be covered in Part 32. ○ 52.213-2, <i>Invoices</i>. General payment procedures will be covered in Part 32. ○ 52.213-3, <i>Notice to Supplier</i>. The streamlined procedures and the general principles of offer and acceptance are deemed adequate without this specific clause.

Determination

In accordance with FAR 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 13 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 13 and applicable sections of Part 52 (Attachment 3). Specifically, DOE/NNSA will use the RFO model deviation text for Part 13 in lieu of 48 Code of Federal Regulations (CFR) Part 13, and the RFO model deviation text for the applicable sections of Part 52 in lieu of the corresponding applicable sections at 48 CFR 52.213-1 through 52.213-4. 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.

Janella Davis,
Acting Director
Office of Acquisition Management
Senior Procurement Executive
Department of Energy

William J. Quigley,
Deputy Associate Administrator
Office of Partnership and Acquisition
Services
Senior Procurement Executive
National Nuclear Security Administration

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 13 and 52 Model Deviation Text