

**CLASS DEVIATION
FINDINGS AND DETERMINATION
DEPARTMENT OF ENERGY ACQUISITION REGULATION (DEAR) PART 906 -
COMPETITION REQUIREMENTS**

Findings

1. The objective of this class deviation is to update the Department of Energy Acquisition Regulation (DEAR) Part 906 - *Competition Requirements* to implement the changes to the Federal Acquisition Regulation (FAR) Part 6 - *Competition Requirements* by the Federal Acquisition Regulatory Council through the Revolutionary FAR Overhaul (RFO) initiative and make other deregulatory revisions to DEAR Part 906 pursuant to Executive Order (E.O.) 14275, *Restoring Common Sense to Federal Procurement*.
2. On April 15, 2025, President Donald J. Trump issued 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 - Remove duplicative or outdated language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.

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 June 27, 2025, the FAR Council issued model deviation text for FAR Part 6.
6. On July 18, 2025, the Department of Energy (DOE) and the National Nuclear Security Administration (NNSA) adopted the RFO model deviation text for FAR Part 6 through a class deviation (Attachment 3), issued via Policy Flash 2025-41.

As the OFPP and the FAR Council issue RFO model deviation texts for FAR parts, and the DOE adopts them through class deviations, the DEAR will be revised to implement the RFO model deviation text.

During phase one of the RFO – when the FAR is updated via class deviations incorporating the RFO model text – the DEAR will not be updated to align with the new FAR numbering structure. Once the RFO revisions to the FAR are finalized through formal rulemaking (phase two), the DEAR will be updated through its formal rulemaking to align with the revised FAR the numbering structure.

7. Accordingly, DEAR Part 906 is updated to revise internal references following the RFO, as implemented by DOE/NNSA class deviations:
 - a. Section 906.102 *Use of competitive procedures*
 - i. Paragraph (d)(1): The term “shall” is replaced with “must”. The reference to “48 CFR subpart 36.6” is updated to “FAR 36.102 and 36.202 (as implemented by DOE/NNSA class deviation).” (See, Policy Flash 2025-49).
 - ii. Paragraph (d)(4): The term “shall” is replaced with “must”. The reference to “48 CFR part 35” is updated to “FAR part 35 (as implemented by DOE/NNSA class deviation).” (See, Policy Flash 2025-52).
 - iii. Paragraph (d)(5): The term “shall” is replaced with “must”.
 - b. Section 906.202 *Establishing or maintaining alternative sources*, paragraph (b)(1): The term “shall” is replaced with “must”. The reference to “48 CFR 6.202(a)” is updated to “FAR 6.102-1(a) (as implemented by DOE/NNSA class deviation).” (See, Policy Flash 2025-41).
 - c. Section 906.304 *Approval of the justification*, paragraph (c)(2): The references to “48 CFR 6.302-4 or 6.302-5” is updated to “FAR 6.103-4 or 6.103-5 (as implemented by DOE/NNSA class deviation).” (See, Policy Flash 2025-41).

There are no DEAR clauses or provisions associated with Part 906. Therefore, this class deviation does not affect any DEAR clauses or provisions.

Determination

In accordance with DEAR 901.404 *Class deviations*, to fully comply with the requirement of E.O. 14275 and the revised FAR Part 6 (Attachment 4), it is hereby determined that a class deviation is appropriate pursuant to OMB memorandum M-25-26 (Attachment 5) and the FAR Council memorandum (Attachment 6) issued on May 2, 2025, using the attached deviation text for DEAR Part 906 (Attachment 2). Specifically, DOE/NNSA will use the deviation text for Part 906 in lieu of 48 Code of Federal Regulations (CFR) Part 906. 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 upon issuance and will remain in effect until cancelled or incorporated into the DEAR.

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Attachments:

1. DEAR Part 906 Deviation Text – Line Out
2. DEAR Part 906 Deviation Text – Final
3. Class Deviation to Adopt Revolutionary FAR Overhaul (RFO) Part 6 - Competition Requirements
4. RFO FAR Part 6 Model Deviation Text
5. OMB Memorandum M-25-26, *Overhauling the Federal Acquisition Regulation*
6. FAR Council Memorandum, *Deviation Guidance to Support the Overhaul of the Federal Acquisition Regulation*