

**CLASS DEVIATION
FINDINGS AND DETERMINATION
FEDERAL ACQUISITION REGULATION (FAR) PART 2 - DEFINITIONS OF WORDS
AND TERMS**

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 2 - *Definitions of Words and Terms*, 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 - Remove duplicative or outdated language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 October 28, 2025, the FAR Council issued model deviation text for FAR Part 2. The FAR model deviations resulted in changes to certain definitions of words and terms. Definitions were either revised, removed, or transferred as part of model deviations for Parts 5, 12, 13, and 23.
 - a. The following defined terms in 2.101 were revised: *Biobased product*, *Commercial product*, *Commercial service*, *Commercially available off-the-shelf item*, or *COTS item*, *Governmentwide point of entry (GPE)*, *Micro-purchase*, *Nondevelopmental item*, *Offer*, *Offeror*, *Purchase order*, and *United States*. All other definitions in Part 2 remain unchanged.
 - b. The following defined terms in FAR 2.101 were removed: *Environmentally preferable*, *Sustainable acquisition*, and *Waste reduction*.
 - c. The following defined terms were transferred from FAR 2.101 to FAR Part 23 and, in some cases, revised: *Energy-efficient product*, *Energy-efficient standby power device (now “low standby power device)*, *Energy savings performance contract*, *Sustainable products and services (now “sustainable products”)*, and *Pollution prevention*.
 - d. The following defined term was transferred from FAR part 13 to FAR 2.101: *Governmentwide commercial purchase card*.

To support usability, the RFO FAR Part 2 includes both revised and unchanged definitions.

RFO FAR Part 2 did not result in any changes to the corresponding clause in Part 52 (52.202-1 *Definitions*), which is retained with no changes to the text.

Determination

In accordance with RFO 1.304 *Class deviations* (as implemented by DOE/NNSA class deviation) 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 Part 2, 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 2 (Attachment 3). Specifically, DOE/NNSA will use the RFO model deviation text for Part 2 in lieu of 48 Code of Federal Regulations (CFR) Part 2, and the RFO model deviation text for the applicable section of Part 52 in lieu of the corresponding applicable section at 48 CFR 52.202-1. 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 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 2 and 52 Model Deviation Text