



Homeland
Security

MEMORANDUM FOR: Heads of Contracting Activities

FROM: Paul Courtney
Chief Procurement Officer

SUBJECT: FAR Class Deviation (Number 25-31) for FAR Part 28 in Support
of Executive Order on Restoring Common Sense to Federal
Procurement

1. **Purpose.** This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) Part 28 for purposes of implementing the Federal Acquisition Regulatory Council's model deviation text to FAR Part 28.
2. **Background.** [Executive Order \(E.O.\) 14275 on Restoring Common Sense to Federal Procurement](#), signed April 15, 2025, mandates a comprehensive review and simplification of the FAR.

The FAR is being updated to:

- Eliminate non-statutory language
- Remove redundant or obsolete language
- Enhance clarity through plain language
- Align with the new FAR framework
- Preserve essential governmentwide acquisition standards

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

3. **Summary of Changes.** All content in FAR Part 28, Bonds and Insurance, has been retained with minimal deletions and minor updates made for plain language. No changes were made to provisions or clauses.

Statutory requirements retained in the RFO FAR part 28 model deviation include, but are not limited to, the following:

- 15 U.S.C. §§ 694a et seq, Surety Bond Guarantees
- 31 U.S.C. §§ 3901 et seq, Prompt Payment

- 31 U.S.C. §§ 9301 et seq, Sureties and Surety Bonds
 - 40 U.S.C. §§ 3131 et seq, Bonds
 - 42 U.S.C. §§ 1651 et seq, Defense Base Act
 - Pub. L. 103-355 Sec 2091, Government-wide Application of Payment Protections for Subcontractors and Suppliers
 - Pub. L. 114-92 Sec 874, Surety Bond Requirements and Amount of Guarantee
4. **Instructions.** The Department of Homeland Security (DHS) acquisition workforce shall follow the RFO Part 28 deviation text instead of FAR Part 28 as codified at 48 CFR Chapter 49. The Council's RFO Part 28 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-28> and is incorporated into this class deviation.
5. **Applicability.** This class deviation applies to all DHS procurements.
6. **Authority.** This class deviation is issued under the authority of E.O. 14275, [OMB Memo M-25-25](#), 48 CFR 1.4, and RFO FAR 1.304.
7. **Effective Date.** This class deviation is effective November 3, 2025, and remains in effect until rescinded or incorporated into the FAR.
8. **Points of Contact.** Questions regarding this class deviation may be directed to Acquisition Policy and Legislation Branch at Acquisition.Policy@hq.dhs.gov.