



Homeland
Security

MEMORANDUM FOR: Heads of Contracting Activities

FROM: Paul Courtney
Chief Procurement Officer

SUBJECT: FAR Class Deviation (Number 25-14) for FAR Part 35 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 35 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR part 35.
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.

3. **Summary of Changes.** FAR Part 35, Research and Development Contracting, moves away from a prescriptive, specialized regulatory framework for research and development (R&D) contracting toward a streamlined structure that empowers acquisition professionals and makes the federal R&D environment more attractive for innovative commercial firms.

The part is streamlined from 25 to 20 components (subparts, sections, subsections) that are reorganized in a more logical flow of the procurement lifecycle. This significant update greatly improves the usability of the content.

4. **Statutory requirements retained** in the RFO FAR part 35 model deviation include, but are

not limited to, the following:

- 31 U.S.C. § 6303, Using Procurement Contracts
- 10 U.S.C. § 4126, Use of Federally Funded Research and Development Centers

Change	Description
Retained	• The definitions of “Applied Research” and “Development” are retained at 35.001. • The section titled “Policy” (moved from 35.003 to 35.002) is retained and has been streamlined to remove reference to “Recoupment.” • New subparts 35.1, Presolicitation, 35.2, Evaluation and Award, and 35.3, Postaward create logical organization in alignment with the acquisition lifecycle, creating clear points of reference. ○ “Solicitations” (moved from 35.007 to 35.101) has been updated to include plain language improvements. ○ “Broad agency announcements” (moved from 35.016 to 35.102) retains core substance and unique procedures and has been updated with plain language improvements. ○ “Evaluation for award” (moved from 35.008 to 35.201) has been updated to include plain language improvements. ○ “Scientific and technical reports” (moved from 35.010 to 35.301) has been updated to include plain language improvements. • Policies and procedures for “Federally Funded Research and Development Centers” (moved from 35.017 to 35.4) are retained with plain language improvements.
Removed	• The definition of “Recoupment” at section 35.001. • Section 35.002, “General” provided the context for R&D contracting. Its removal streamlines the part. • Section 35.004, “Publicizing Requirements” was removed as largely duplicative of FAR part 5. • Section 35.005, “Work Statement” was removed to provide acquisition teams greater flexibility in crafting requirements best suited for the R&D effort. • Section 35.006, “Contracting Methods and Contract Type” was removed as duplicative of FAR part 16. • The sections titled “Subcontracting research and development effort” (35.009), “Data” (35.011), “Patent Rights” (35.012), “Insurance” (35.013), and “Government property and title” (35.014) are removed as they are covered elsewhere in the FAR: Part 44 for Subcontracting; Part 27 for Data and Patents; Part 28 for Insurance; and Part 45 for Government Property.

	• Section 35.015, “Contracts for research with educational institutions with educational institutions and nonprofit organizations” is removed. However, education institutions are still highlighted as an organization-type that should be considered during evaluation for award at 35.201.
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5. **Instructions.** The Department of Homeland Security (DHS) acquisition workforce shall follow the RFO Part 35 deviation text instead of FAR Part 35 as codified at 48 CFR Chapter 35. The Council’s RFO Part 35 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-35> and is incorporated into this deviation.
6. **Applicability.** This class deviation applies to all DHS procurements.
7. **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.
8. **Effective Date.** This class deviation is effective immediately and remains in effect until rescinded or incorporated into the FAR.
9. **Points of Contact.** Questions regarding this class deviation may be directed to Acquisition Policy and Legislation at Acquisition.Policy@hq.dhs.gov.