

**CLASS DEVIATION
FINDINGS AND DETERMINATION
FEDERAL ACQUISITION REGULATION (FAR) PART 6 - COMPETITION
REQUIREMENTS**

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 6 - *Competition Requirements*.
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 - Remove duplicative or outdated language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 June 27, 2025, the FAR Council issued model deviation text for FAR Part 6 *Competition Requirements*. FAR Part 6 has been streamlined to strengthen clarity and focus, helping to ensure procedures that support full and open competition are easier to understand and apply.

Statutory requirements retained in the RFO FAR Part 6 model deviation include, but are not limited to, the following:

- 41 U.S.C. § 1705, Advocates for Competition
- 41 U.S.C. § 3301 and 10 U.S.C. § 3201, Full and Open Competition
- 41 U.S.C. § 3303 and 10 U.S.C. § 3203, Exclusion of Particular Source or Restriction of Solicitation to Small Business Concerns
- 41 U.S.C. § 3304, Use of Noncompetitive Procedures
- 10 U.S.C. § 3204, Use of Procedures Other than Competitive Procedures
- 15 U.S.C. Chapter 14A, Aid to Small Business
- 42 U.S.C. § 5150, Major Disaster and Emergency Assistance, Use of Local Firms and Individuals

In addition, the following table provides a non-exhaustive list of non-statutory requirements that have been either retained or removed from Part 6:

Change	Description
Retained	• FAR Part 6 continues to apply to all acquisitions, with limited exceptions for specific contracts and orders. • Advocates for Competition, previously at subpart 6.5, has been moved to section 6.003. Details about the role and responsibilities have been streamlined. • Guidance pertaining to Sealed Bidding has been streamlined and moved from subpart 6.4 to section 6.101. • Authorities remain for other than full and open competition, including only one responsible source. • Contracting officers retain discretion to set aside acquisitions for small business concerns, including contract actions conducted under the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs, and local firms during a major disaster or emergency. • Justification and approval requirements to support noncompetitive procedures. ○ These requirements have been significantly streamlined. ○ The revised language highlights that contracting officers require support from the broader acquisition team when making decisions regarding competition. ○ The approval levels are now reflected in a plain language table format.

Removed	• Unnecessary or redundant language was removed throughout. Examples include— ○ The word “advance” was removed from the phrase, “A lack of advance planning by the requiring activity.” The language now reads, “A lack of planning by the requiring activity.” This avoids ambiguity surrounding the meaning of “advance” planning. ○ The list of specific small business socioeconomic categories was removed and replaced with a reference to Part 19. • Illustrative examples of when to use certain exceptions to full and open competition have been removed and may be moved to non-regulatory content.
---------	---

Determination

In accordance with RFO 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 Part 6, 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 6 (Attachment 3). Specifically, DOE/NNSA will use the RFO model deviation text for Part 6 in lieu of 48 Code of Federal Regulations (CFR) Part 6. 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.

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 Part 6 Model Deviation Text