



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF FINANCE AND OPERATIONS

June 17, 2025

ACQUISITION ALERT 2025-08

TO: Heads of Contracting Activities

FROM: Calvin J. Mitchell Jr.
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Senior Procurement Executive

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Jr.
Date: 2025.06.17 16:20:46 -04'00'

SUBJECT: FAR Class Deviation for FAR Part 10 in Support of Executive Order on Restoring Common Sense to Federal Procurement

1. **Purpose.** This Acquisition Alert (AA) adopts a class deviation to Federal Acquisition Regulation (FAR) Part 10 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 10.
2. **Background.** On April 15, 2025, the Executive Order (E.O.) 14275 on Restoring Common Sense to Federal Procurement was signed. Section 2 of the E.O. establishes 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." On May 31, 2025, the enclosed class deviation was issued for the use of all Revolutionary FAR Overhaul (RFO) model deviation texts and corresponding EDAR deviations.
3. **Summary of Changes.** FAR Part 10, concerning Market Research, has been updated to offer acquisition teams more flexibility in their research methods:
 - Greater flexibility in techniques: The FAR no longer lists specific market research considerations or techniques that must be used.
 - You have the flexibility to choose the market research method that best fits your needs. For example, you might host a reverse industry day or expert panel. This allows industry experts to share their perspectives, commercial practices, and experiences with the acquisition team.
 - For more information on reverse industry days, and to read about more good market research techniques, check out the "Smart Accelerators" in the Practitioner Album available at <http://acquisition.gov/far-overhaul>
 - Competition requirements remain: Acquisition professionals must still comply with the Competition in Contracting Act (CICA) (41 U.S.C. § 3301 et seq), which may necessitate market research.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- Flexibility at all dollar values: Acquisition professionals can apply market research concepts to procurements of any size.
- While FAR clause 52.210-1 Market Research is not required by statute, across Government, it has been retained as essential to the acquisition process. Statutory requirements retained in the RFO FAR part 10 model deviation include, but are not limited to, the following:
 - 10 U.S.C. § 3453, Preference for Commercial Products and Commercial Services
 - 41 U.S.C. § 3306, Planning and Solicitation Requirements
 - 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services
 - 41 U.S.C. § 1703 note, Effective Communication Between Government and Industry; inclusive of 41 U.S.C. § 3301 et seq and 41 U.S.C. § 2101 et seq.

Change	Description
Retained	• Subparts “10.001 Policy” and “10.002 Procedures” are combined and streamlined to remove duplicative and discretionary guidance. • FAR clause 52.210-1, Market Research, in solicitations and contracts for noncommercial acquisitions over \$6 million. • Language encouraging exchanges with industry is moved from FAR part 1 to FAR part 10.
Removed	• Requirements to consider various issues in market research, including for consolidation or bundling procurements are removed. Content stemming from 15 U.S.C. 644(e) and 15 U.S.C. 657(q) is mandatory, however the requirement is covered in FAR part 7. • Requirements for disaster relief purchasing are removed. Content stemming from 6 U.S.C. 796 is mandatory, however the requirement is covered in FAR part 26.

This table is not an exhaustive list.

- 4. Instructions.** The Department of Education’s acquisition workforce shall follow the RFO Part 10 model deviation text instead of FAR Part 10 as codified at 48 CFR Chapter 1. The Council’s RFO Part 10 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-10> and is incorporated into this class deviation. There is no EDAR Part 3410 and therefore no corresponding changes to EDAR are necessary.

5. **Training.** Acquisition Professionals are highly encouraged to complete RFO “Practitioner Album: FAR Part 10 – Market Research” at https://www.acquisition.gov/sites/default/files/practitioner_albums/far-part-10-market-research/content/index.html#/ within 30 days.
6. **Effective Date.** This class deviation to FAR Part 10 is effective immediately and remains in effect until rescinded or incorporated into the FAR.
7. **Points of Contact.** Direct questions regarding this class deviation to your respective policy points of contact.
8. **Enclosure.** Determination and Findings - Class Deviation for the Revolutionary FAR Overhaul

DETERMINATION AND FINDINGS
Department of Education, All Contracting Activities
Class Deviation for the Revolutionary FAR Overhaul

This approves a class deviation to all Federal Acquisition Regulation (FAR) and Department of Education Acquisition Regulation (EDAR) parts for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text.

Findings

On April 15, 2025, the Executive Order (E.O.) 14275 on Restoring Common Sense to Federal Procurement was signed. Section 2 of the E.O. establishes 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."

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

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative.

In explaining the Federal Acquisition System, the RFO FAR Part deviation text establishes bedrock principles. Most centrally, it sets a "mission first" message at the top of the guiding principles. The RFO model deviation also increases the emphasis on the best use of taxpayer dollars and calls out the value of time as another guiding principle. Additionally, it retains a focus on satisfying the customer, maximizing use of commercial products and services, promoting competition, and encouraging innovation.

The FAR Council Deviation guidance allows for agencies to deviate agency acquisition regulation supplements as it relates to the RFO.

Determination

In accordance with FAR 1.404 and EDAR 3401.404, I hereby issue a class deviation for the use of all RFO model deviation texts and corresponding EDAR deviations. The adoption date for each RFO part model deviation text will be the date of the corresponding Acquisition Alert. EDAR deviation texts may be issued in a separate Acquisition Alert. All Department of Education contracting activities must follow the RFO model deviation texts instead of the FAR Parts codified at 48 CFR. Should the language of the RFO FAR contradict any statutorily granted procurement authorities to the Department of Education including the Office of Federal Student Aid, the statutorily granted authorities prevail.

In the unlikely event that the Department wishes to vary from a RFO model deviation text, a separate deviation will be issued. This class deviation will remain in effect until incorporated into the FAR, EDAR or rescinded.

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Richard Lucas

Date

Acting Chief Acquisition Officer (CAO)