



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF FINANCE AND OPERATIONS

December 12, 2025

ACQUISITION ALERT 2026-6

TO: Heads of Contracting Activities

FROM: Christopher J. Rosier **CHRISTOPHER ROSIER** Digitally signed by CHRISTOPHER ROSIER
Date: 2025.12.12 12:01:24 -05'00'
Acting Deputy Assistant Secretary for the Office of Acquisition Management
Acting Senior Procurement Executive

SUBJECT: FAR Class Deviation for FAR Part 14 in Support of Executive Order 14275,
Restoring Common Sense to Federal Procurement.

- 1. Purpose.** This Acquisition Alert (AA) adopts a class deviation to Federal Acquisition Regulation (FAR) Part 14 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 14.
- 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 14, Sealed Bidding, is simplified to make the regulation more accessible, clear, and efficient for acquisition teams. Themes of the update for this part include:
 - Structural Reorganization for Logical Flow
 - Streamlining through Consolidation and Plain Language
 - Modernization for Current Practices

Statutory requirements retained in the RFO FAR Part 14 model deviation include, but may not be limited to, the following:

- 10 U.S.C. § 3201 and 41 U.S.C. § 3301, Full and Open Competition
- 10 U.S.C. § 3206 and 41 U.S.C. § 3306, Planning and Solicitation Requirements
- 10 U.S.C. § 3301 and 41 U.S.C. § 3701, Basis of Award and Rejection
- 10 U.S.C. § 3302 and 41 U.S.C. § 3702, Sealed Bids

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- 10 U.S.C. § 3702 and 41 U.S.C. § 3502, Required Cost or Pricing Data and Certification
- 41 U.S.C. § 1708, Procurement Notice
- 41 U.S.C. § 2301, Use of Electronic Commerce in Federal Procurement

Change	Description
Retained	<ul style="list-style-type: none"> • The following provision and clauses are retained (or remain reserved) with no changes: <ul style="list-style-type: none"> ○ 52.214-1 and 52.214-2 remain reserved ○ 52.214-4 (Provision), False Statements in Bids ○ 52.214-6 (Provision), Explanation to Prospective Bidders ○ 52.214-8 and 52.214-9 remain reserved ○ 52.214-10 (Provision), Contract Award—Sealed Bidding ○ 52.214-11 remains reserved ○ 52.214-12 (Provision), Preparation of Bids ○ 52.214-13 remains reserved ○ 52.214-14 (Provision), Place of Performance—Sealed Bidding ○ 52.214-15 (Provision), Period for Acceptance of Bids ○ 52.214-16 (Provision), Minimum Bid Acceptance Period ○ 52.214-17 remains reserved ○ 52.214-18 (Provision), Preparation of Bids—Construction ○ 52.214-19 (Provision), Contract Award—Sealed Bidding—Construction ○ 52.214-20 (Provision), Bid Samples ○ 52.214-21 (Provision), Descriptive Literature ○ 52.214-22 (Provision), Evaluation of Bids for Multiple Awards ○ 52.214-24 (Provision), Multiple Technical Proposals ○ 52.214-27 (Clause), Price Reduction for Defective Certified Cost or Pricing Data—Modifications—Sealed Bidding ○ 52.214-29 (Clause), Order of Precedence—Sealed Bidding ○ 52.214-30 remains reserved ○ 52.214-32 and 52.214-33 remain reserved ○ 52.214-34 (Provision), Submission of Offers in the English Language ○ 52.214-35 (Provision), Submission of Offers in U.S.

	Currency
Moved / Updated	<ul style="list-style-type: none"> ● The revised part structure now reflects the acquisition lifecycle: <ul style="list-style-type: none"> ○ Subpart 14.1 – General ○ Subpart 14.2 – Presolicitation ○ Subpart 14.3 - Evaluation and Award ○ Subpart 14.4 - Postaward ● Subpart 14.1, “General”, streamlines and consolidates the five sections that were previously within the former subpart 14.1, “Use of Sealed Bidding”. ● Subpart 14.2, “Presolicitation”, consolidates nearly all pre-award activities related to the solicitation process into a single chronological subpart. It is constructed from content previously located in subpart 14.2 (“Solicitation of Bids”), subpart 14.3 (“Submission of Bids”), and subpart 14.5 (“Two-Step Sealed Bidding”). <ul style="list-style-type: none"> ○ Sections within the subpart are streamlined, consolidated, and reorganized to conform to the new subpart structure. ● Subpart 14.3, “Evaluation and Award”, consolidates activities that occur from the moment bids are received until the contract is awarded. It is primarily constructed from content that was previously located in parts of subpart 14.3 (“Submission of Bids”) and subpart 14.4 (“Opening of Bids and Award of Contract”). <ul style="list-style-type: none"> ○ Sections within the subpart are streamlined, consolidated, and reorganized to conform to the new subpart structure. ● Subpart 14.4, “Postaward”, is designed to cleanly separate pre-award and post-award issues which are governed by different procedures. <ul style="list-style-type: none"> ○ 14.401, “Mistakes after award”, relocates content previously found at 14.407-4. Placing this topic in a distinct “Postaward” subpart categorizes it as a matter of contract administration, fundamentally different from mistakes discovered before an award is made. The text has been revised for clarity and procedural requirements remain intact. ○ 14.402, “Pricing modifications”, is a new section that provides a direct cross-reference to FAR Part 15 for policies and procedures related to cost and price negotiation for modifications. This is a logical and

	<p>helpful addition providing clear guidance for a common post-award activity.</p> <ul style="list-style-type: none"> ● The following provisions and clauses are updated. Updates are primarily for clarity and cross-referencing corrections. <ul style="list-style-type: none"> ○ 52.214-3 (Provision), Amendments to Invitations for Bids ○ 52.214-5 (Provision), Submission of Bids ○ 52.214-7 (Provision), Late submissions, modifications, and withdrawals of bids ○ 52.214-23 (Provision), Late submissions, modifications, revisions, and withdrawals of technical proposals under two-step sealed bidding ○ 52.214-25 (Provision), Step Two of Two-Step Sealed Bidding ○ 52.214-26 (Clause), Audit and Records—Sealed Bidding ○ 52.214-28 (Clause), Subcontractor Certified Cost or Pricing Data—Modifications—Sealed Bidding ● The FAR Companion is expected to include best practice information on the following moved content that is not statutorily required: <ul style="list-style-type: none"> ○ Subsection 14.201-8, “Price-related factors” ○ Section 14.208, “Amendment of invitation for bids” ○ Section 14.202-1, “Bidding time” ○ Section 14.207, “Pre-bid conference” ○ Section 14.209, “Cancellation of invitations before opening” ○ Subsection 14.407-2(b) and (c), “Apparent clerical mistakes” regarding corrections ○ Subsection 14.404-1(d), “Cancellation of invitations after opening” regarding extensions ○ Subsection 14.408-1(b), “General” regarding a limited number of bids.
<p>Removed</p>	<ul style="list-style-type: none"> ● Section 14.105, “Solicitations for informational or planning purposes” is removed to align with streamlining efforts. ● Subsection 14.202-3, “Bid envelopes” is removed to align with modernization efforts. ● Subsection 14.202-7, “Facsimile Bids” is removed to align with modernization efforts. ● Section 14.211, “Release of Acquisition Information” is removed because the content is adequately covered in other parts of the FAR.

	<ul style="list-style-type: none"> ● Subsection 14.408-7, “Documentation of Award” is removed because the content is adequately covered elsewhere in the part or other parts of the FAR. ● Subsection 14.408-8, “Protests against Award” is removed because the content is adequately covered elsewhere in the FAR. ● The following provision is deleted to align with the modernization efforts: <ul style="list-style-type: none"> ○ 52.214-31, Facsimile Bids.
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This table is not an exhaustive list.

4. Instructions.

- The Department of Education’s acquisition workforce shall follow the RFO Part 14 and corresponding 52 model deviation text instead of FAR Part 14 and 52 as codified at 48 CFR Chapter 1. The Council’s RFO Part 14 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-14> and is incorporated into this class deviation. A separate Acquisition Alert will be issued for any corresponding changes to the EDAR part 3414.
- For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-14>.
- For open solicitations or awarded contracts, the contracting officer has discretion regarding the need to enforce or amend the provisions or clauses. Note that without some of the removed provisions or clauses, the contracting officer may be required to separately address certain aspects in the contract.
- Review templates and related standard operating procedures to align with this deviation and remove unnecessary processes and steps.

5. Training. Acquisition Professionals are highly encouraged to complete “Practitioner Album: FAR Part 14 – Sealed Bidding” at https://www.acquisition.gov/sites/default/files/practitioner_albums/far-part-14-sealed-bidding/content/index.html within 30 days. Please complete the Practitioner Album and mark “yes” under the completion attestation within FAI CSOD.

6. Effective Date. This class deviation to FAR Part 14 is effective January 30, 2026, 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

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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.

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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Date

Acting Chief Acquisition Officer (CAO)