



# UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF FINANCE AND OPERATIONS

December 12, 2025

## ACQUISITION ALERT 2026-14

TO: Heads of Contracting Activities

FROM: Christopher J. Rosier **CHRISTOPHER ROSIER** Digitally signed by CHRISTOPHER ROSIER  
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Acting Senior Procurement Executive  
Date: 2025.12.12 12:17:32 -05'00'

SUBJECT: FAR Class Deviation for FAR Part 23 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 23 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 23.
- 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 23, Sustainable Acquisition, Material Safety, and Pollution Prevention, has been revised to enhance clarity and efficiency, and to ensure compliance with current statutory requirements. The updated FAR part maintains existing statutory mandates for energy efficiency, biobased products, energy savings performance contracts, hazardous material identification, and pollution prevention. Requirements related to clean energy and waste reduction, previously driven by the now-revoked E.O. 14057, have been removed.

Statutory requirements retained in the RFO FAR Part 23 model deviation include, but may not be limited to, the following:

- 7 U.S.C. § 8102, Biobased Markets Program
- 42 U.S.C. § 6361, Federal Energy Conservation Programs
- 42 U.S.C. § 6962, Resource Conservation and Recovery Act of 1976
- 42 U.S.C. § 8259b, Federal Procurement of Energy Efficient Products

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- 42U.S.C. §§ 7671 et seq, Stratospheric Ozone Protection
- 42 U.S.C. §§ 13101 et seq, Pollution Prevention Act of 1990

Change	Description
<b>Retained</b>	<ul style="list-style-type: none"> <li>• The following <b>provisions and clauses</b> are retained (or remain reserved) with no changes: <ul style="list-style-type: none"> <li>○ 52.223-4 (Provision), Recovered Material Certification</li> <li>○ 52.223-5 (Clause), Pollution Prevention and Right-to-Know Information</li> <li>○ 52.223-6 remains reserved</li> <li>○ 52.223-8 remains reserved</li> <li>○ 52.223-9 (Clause), Estimate of Percentage of Recovered Material Content for EPA-Designated Items</li> <li>○ 52.223-13 thru 52.223-18 remain reserved</li> </ul> </li> </ul>
<b>Moved / Updated</b>	<ul style="list-style-type: none"> <li>• Section 23.000, “<b>Scope of Part</b>”, is updated to align with the new part title. It removes references to “environment”, replaces “sustainable products and services” with “sustainable acquisition” and adds the phrase “preventing pollution”</li> <li>• Subpart 23.1, “<b>Sustainable Products</b>”, is updated to remove “and Services” from the subpart title. The “Scope of Part” at 23.100 is streamlined and removes redundant references to content covered in FAR Part 12.</li> <li>• Section 23.101, “<b>Definitions</b>” is updated to include: <ul style="list-style-type: none"> <li>○ New definitions: <ul style="list-style-type: none"> <li>▪ Energy-efficient product</li> <li>▪ Low standby power device</li> <li>▪ Sustainable product</li> </ul> </li> <li>○ Definitions updated for clarity: <ul style="list-style-type: none"> <li>▪ EPA-designated item</li> <li>▪ USDA-designated product category</li> </ul> </li> </ul> </li> <li>• Sections 23.102, “<b>Policy</b>”, 23.103, “<b>Procedures</b>”, and 23.104, “<b>Priorities</b>”, streamline and consolidate former sections in this subpart. <ul style="list-style-type: none"> <li>○ <b>23.102 presents a clear mandate</b> that agencies must procure sustainable products to the maximum extent practicable.</li> <li>○ <b>23.103 outlines three direct steps</b> for the contracting officer when procuring sustainable products.</li> <li>○ <b>23.104 provides clear priorities</b> for acquisition teams</li> </ul> </li> </ul>

	<p>when procuring sustainable products.</p> <ul style="list-style-type: none"> <li>• Section 23.106, “<b>Restrictions</b>”, provides improved clarity on products the contracting officer is prohibited from purchasing</li> <li>• Subpart 23.2, “<b>Energy Savings Performance Contracts</b>”, is updated for clarity and efficiency.</li> <li>• Section 23.201, “Definition” is added to <b>provide a formal definition</b> for “Energy savings performance contract”</li> <li>• Subpart 23.3, “<b>Material Safety</b>”, updates its title from “Hazardous Material Identification, Material Safety Data, and Notice of Radioactive Materials”. The content is updated for clarity, streamlining, and/or to remove outdated content.</li> <li>• Subpart 23.4, “<b>Pollution Prevention</b>”, updates its title from “Pollution Prevention, Environmental Management Systems, and Waste Reduction”. The content is updated for clarity, streamlining, and/or to remove outdated content. <ul style="list-style-type: none"> <li>○ 23.401, “<b>Definitions</b>”, is updated to remove definition of “Federal agency” and add definitions for: <ul style="list-style-type: none"> <li>▪ “Pollution prevention”</li> <li>▪ “Toxic chemical” (from 23.001)</li> </ul> </li> </ul> </li> <li>• The <b>following provision and clauses</b> are updated for clarity, to mirror updates made throughout the part, and/or to update cross-references or remove outdated content: <ul style="list-style-type: none"> <li>○ 52.223-1 (Provision), Biobased Product Certification</li> <li>○ 52.223-2 (Clause), Reporting of Biobased Products Under Service and Construction Contracts</li> <li>○ 52.223-3 (Clause), Hazardous Material Identification and Safety Data</li> <li>○ 52.223-7 (Clause), Notice of Radioactive Materials</li> <li>○ 52.223-11 (Clause), Ozone-Depleting Substances</li> <li>○ 52.223-12 (Clause), Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners</li> <li>○ 52-223-23 (Clause), Sustainable Products</li> </ul> </li> <li>• The <b>FAR Companion</b> is expected to include best practice and guidance on the following: <ul style="list-style-type: none"> <li>○ Energy Savings Performance Contracts (ESPCs)</li> <li>○ Resources for Statutory Environmental Purchasing Programs</li> </ul> </li> </ul>
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<p><b>Removed</b></p>	<ul style="list-style-type: none"> <li>• The definitions of “<b>Environmental</b>” and “<b>Greenhouse gas</b>”, previously at 23.001, are deleted, as they were primarily relevant to the now-deleted subpart 23.5</li> <li>• “<b>Environmental management systems</b>”, formerly section 23.404 is deleted. This deletion is based on the revocation of E.O. 14057.</li> <li>• “<b>Waste reduction program</b>”, formerly section 23.405 is deleted. This deletion is based on the revocation of E.O. 14057</li> <li>• “<b>Greenhouse Gas Emissions</b>”, formerly subpart 23.5 is deleted. This deletion is based on the revocation of E.O. 14057.</li> <li>• The following <b>provision and clauses</b> are removed and marked reserved based on the revocation of E.O. 14057 or because they are not required by statute or otherwise essential to sound procurement: <ul style="list-style-type: none"> <li>○ 52.223-10 (Clause), Waste Reduction Program</li> <li>○ 52.223-19 (Clause), Compliance with Environmental Management Systems</li> <li>○ 52.223-20 (Clause), Aerosols</li> <li>○ 52.223-21 (Clause), Foams</li> <li>○ 52.223-22 (Provision), Public Disclosure of Greenhouse Gas Emissions and Reduction Goals-Representation.</li> </ul> </li> </ul>
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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 23 and corresponding Part 52 model deviation text instead of FAR Parts 23 and 52 as codified at 48 CFR Chapter 1. The Council’s RFO Part 23 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-23> and is incorporated into this class deviation. There is no EDAR Part 3423 and therefore no corresponding changes to EDAR are necessary.
- 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-52>.
- 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.

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- The ED acquisition workforce must use the definitions (Part 2 - Definitions of Words and Terms) found on <https://www.acquisition.gov/far-overhaul>.
5. **Training.** Acquisition Professionals are highly encouraged to complete “Practitioner Album: FAR Part 23 – Environment, Sustainable Acquisition, and Material Safety” at [https://www.acquisition.gov/sites/default/files/practitioner\\_albums/far-part-23-environment-sustainable-acquisition-and-material-safety/content/index.html](https://www.acquisition.gov/sites/default/files/practitioner_albums/far-part-23-environment-sustainable-acquisition-and-material-safety/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 23 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

**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.

**RICHARD LUCAS** Digitally signed by RICHARD LUCAS  
Date: 2025.05.31 08:30:12 -04'00'

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Richard Lucas

Date

Acting Chief Acquisition Officer (CAO)