



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF FINANCE AND OPERATIONS

September 18, 2025

ACQUISITION ALERT 2025-31

TO: Heads of Contracting Activities

FROM: Calvin J. Mitchell Jr. **CALVIN MITCHELL** Digitally signed by CALVIN MITCHELL
Deputy Assistant Secretary for the Office of Acquisition Management
Senior Procurement Executive
Date: 2025.09.18 11:43:34 -04'00'

SUBJECT: FAR Class Deviation for FAR Part 49

- 1. Purpose.** This Acquisition Alert (AA) adopts a class deviation to Federal Acquisition Regulation (FAR) Part 49 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 49.
- 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 49, Termination of Contracts, has been updated for clarity and usability.

Statutory requirements retained in the RFO FAR Part 49 model deviation include, but are not limited to, the following:

- 31 U.S.C. § 3729, False Claims
- 41 U.S.C. §§ 7101 et seq (Pub. L. 95-563), The Contract Disputes Act of 1978

Change	Description
Retained	● Section 49.000, "Scope of Part", is simplified and retains the core scope of establishing policies and procedures for terminating contracts early. ● Section 49.001, "Definitions", is retained and updated for plain language. ● Section 49.002, "Applicability", is retained and updated for

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	plain language with a simpler structure. ● Subparts 49.1, 49.2, 49.3, 49.4, 49.5, 49.6 and the sections therein, remain mostly intact and are streamlined with some shifting and reorganizing of sections and subsections throughout. ● All existing clauses are retained (or remain reserved if previously reserved) with no changes to the text.
Removed	● Plain language edits were made throughout to enhance readability and remove redundant, unclear, or non-essential language, decreasing the word count by more than 2,500 words. ● Subsection 49.108-7 “Government assistance in settling subcontracts”, Section 49.113 “Cost principles”, and Section 49.405 “Completion by another contractor” have been removed and may be moved to non-regulatory content.

This table is not an exhaustive list.

4. Instructions.

- The Department of Education’s acquisition workforce shall follow the RFO Part 49 model deviation text instead of FAR Part 49 as codified at 48 CFR Chapter 1. The Council’s RFO Part 49 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-49> and is incorporated into this class deviation. There is no EDAR Part 3449 and therefore no corresponding changes to EDAR are necessary.
- 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 49 - Termination of Contracts” at https://www.acquisition.gov/sites/default/files/practitioner_albums/far-part-49-termination-of-contracts/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 49 is effective November 3, 2025, 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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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: 2025.05.31 08:30:12 -04'00'

Richard Lucas

Acting Chief Acquisition Officer (CAO)

Date