



Millennium Challenge Corporation
Contracts and Grants Management Division
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MEMORANDUM

Date: November 14, 2025

From: Jonathan C. Hamlet
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Contracts and Grants Management Division
Department of Administration and Finance
Millennium Challenge Corporation

To: MCC Contracts and Grants Management Division Staff

Subject: Class Deviation to Implement the FAR Revisions Parts 14 *Sealed Bidding* and 52 *Solicitation Provisions and Contract Clauses* Issued on September 25, 2025

Findings

On April 15, 2025, President Trump signed the [Executive Order \(E.O.\) 14275, “Restoring Common Sense to Federal Procurement”](#) to reform the Federal Acquisition Regulation (FAR). This E.O. further advances the intent of the [E.O. 14192, “Unleashing Prosperity Through Deregulation,”](#) signed on January 31, 2025, which established that the policy of the executive branch is to be prudent and financially responsible in the expenditure of funds and to alleviate unnecessary regulatory burdens placed on the American people.

The E.O. orders the Administrator of the Office of Federal Public Procurement Policy (OFPP), in coordination with the other members of the Federal Acquisition Regulatory Council (FAR Council), the heads of agencies, and appropriate senior acquisition and procurement officials from agencies to amend the FAR to ensure that it contains only provisions that are required by statute or that are otherwise necessary to support simplicity and usability, strengthen the efficacy of the procurement system, or protect economic or national security interests. This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative.

On May 2, 2025, the Office of Management and Budget (OMB) released its memo M-25-26 “Overhauling the Federal Acquisition Regulation” that directs all agencies to “Generally issue individual or class deviations to implement the FAR Council’s deregulated coverage within 30 days after the Council releases its model deviation text. Provide copies of class deviations to the FAR Secretariat at gsaregsec@gsa.gov for public posting on Acquisition.gov.”

On September 25, 2025, the FAR Council issued completed revisions for [FAR Part 14](#) and [FAR Part 52](#) clause. The RFO FAR Part 14 has been 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 are not 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
- 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

Other key changes include:

Retained:

- The following provision and clauses are retained (or remain reserved) with no changes:
 - 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

Updated:

- The revised part structure now reflects the acquisition lifecycle:
 - 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”).
 - 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”).
 - 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 preaward and post-award issues which are governed by different procedures.
 - 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 helpful addition providing clear guidance for a common postaward activity.
- The following provisions and clauses are updated. Updates are primarily for clarity and cross-referencing corrections.
 - 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:
 - 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.

Removed:

- 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.
- 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:
 - 52.214-31, Facsimile Bids.

Determination

To fully comply with the President’s E.O.s and the revised FAR Parts 14 and 52, MCC shall follow the [RFO Part 14 model deviation text](#) instead of FAR Part 14 as codified at 48 CFR Chapter 14 and replace the relevant [RFO Part 52 model deviation clause](#) instead of the FAR Part 52 clause as codified at 48 CFR Chapter 52. The FAR Council’s RFO Parts 14 and 52 model deviation texts are available at [Acquisition.gov](#), under the “[FAR Overhaul](#)” link.

This deviation applies to all solicitations and new contracts as of November 14, 2025. This deviation does not apply to contracts signed and executed on or before November 13, 2025.

Approval

In accordance with RFO FAR 1.304 *Class deviations*, MCC Contracts Operating Manual (COM) 1.305-3 *Contracts and Grants Management Division MD/SPE*, and the OMB memo M-25-26, the RFO Part 14 model deviation text and the RFO Part 52 model deviation clause are hereby approved effective as of November 14, 2025 for use by all MCC Contracting Officers until final implementation of the FAR update or rescission of this Memo by the SPE. Additional instructions related to this Memo may be issued by the Senior Procurement Executive, Deputy Managing Director, and the Supervisory Procurement Analyst of the MCC CGM Division on an *ad hoc* basis.

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Attachments

OMB Memo M-25-26 *Overhauling the Federal Acquisition Regulation*