



Office of the Chief  
Acquisition Officer

**Date:** January 26, 2026

**From:** Darnese M. Wilkerson, Chief Acquisition Officer *DMW*

**To:** Office of the Chief Acquisition Officer (OCAO)

**Subject:** CLASS DEVIATION (CD) in Support of Executive Order (EO) 14275, "Restoring Common Sense to Federal Procurement" - Deviation to FAR Part 14, Sealed Bidding

## 1. Purpose

This Class Deviation (CD) implements the FAR Council's model deviation text for FAR Part 14, Sealed Bidding. This action aligns with Executive Order (EO) 14275, "Restoring Common Sense to Federal Procurement," and the Revolutionary FAR Overhaul (RFO) initiative.

The revised FAR Part 14 is simplified to make the regulation significantly more accessible, clear, and efficient for acquisition teams. Themes of the update for this part include structural reorganization, consolidation, and plain-language revisions and modernization to reflect current practices.

## 2. Background

EO 14275, signed on April 15, 2025, established a policy that the FAR should contain only provisions required by statute or those essential for sound procurement. To implement this EO, the Office of Federal Procurement Policy (OFPP) is leading the Revolutionary FAR Overhaul (RFO) initiative, supported by the Federal Acquisition Regulatory Council. The initiative aims to eliminate unnecessary regulations and policies across all levels of the federal government.

Further guidance was provided by OMB Memorandum M-25-26, "Overhauling the Federal Acquisition Regulation," issued on May 2, 2025.

### FAR Streamlining

As part of the RFO, the FAR will be streamlined to include only statutory requirements. Non-statutory content moved to new buying guides, collectively known as the Strategic Acquisition Guidance (SAG). The Council will first issue model deviation guidance by FAR part, followed by formal rulemaking through the notice and comment process. Agencies have 30 days to issue class deviations based on the model text once released.

**A. Streamlining Agency Acquisition Supplements:** Agencies must streamline their FAR supplements by removing regulations not based on statute or executive orders and by aligning with the FAR Council's deviation guidance. Supporting policies must also be updated to reflect these changes. This is an excellent opportunity for NARA to formally publish a streamlined NARA FAR Supplement, ensuring consistency with the new FAR.

**B. FAR Buying Guides and Supplemental Companion Guides (CG):** As the FAR and agency supplements are streamlined, helpful non-regulatory content will be moved to these new FAR Buying Guides. These guides will offer practical instructions and best practices for implementing effective contracting methods, including those related to competition. The RFO Part 14 model deviation text is a plain language version that will be adhered to by all NARA contracting personnel.

**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
- 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
<p><b>Retained</b></p>	<ul style="list-style-type: none"> <li>● The following <b>provisions and clauses are retained</b> (or remain reserved) with no changes: <ul style="list-style-type: none"> <li>○ 52.214-2 and 52.214-2 remain reserved</li> <li>○ 52.214-4 (Provision), False Statements in Bids</li> <li>○ 52.214-6 (Provision), Explanation to Prospective Bidders</li> <li>○ 52.214-8 and 52.214-9 remain reserved</li> <li>○ 52.214-10 (Provision), Contract Award—Sealed Bidding</li> <li>○ 52.214-11 remains reserved</li> <li>○ 52.214-12 (Provision), Preparation of Bids</li> <li>○ 52.214-13 remains reserved</li> <li>○ 52.214-14 (Provision), Place of Performance—Sealed Bidding</li> <li>○ 52.214-15 (Provision), Period for Acceptance of Bids</li> <li>○ 52.214-16 (Provision), Minimum Bid Acceptance Period</li> <li>○ 52.214-17 remains reserved</li> <li>○ 52.214-18 (Provision), Preparation of Bids—Construction</li> <li>○ 52.214-19 (Provision), Contract Award—Sealed Bidding—Construction</li> <li>○ 52.214-20 (Provision), Bid Samples</li> <li>○ 52.214-21 (Provision), Descriptive Literature</li> <li>○ 52.214-22 (Provision), Evaluation of Bids for Multiple Awards</li> <li>○ 52.214-24 (Provision), Multiple Technical Proposals</li> <li>○ 52.214-27 (Clause), Price Reduction for Defective Certified Cost or Pricing Data—Modifications—Sealed Bidding</li> <li>○ 52.214-29 (Clause), Order of Precedence—Sealed Bidding</li> <li>○ 52.214-30 remains reserved</li> <li>○ 52.214-32 and 52.214-33 remain reserved</li> <li>○ 52.214-34 (Provision), Submission of Offers in the English Language</li> <li>○ 52.214-35 (Provision), Submission of Offers in U.S. Currency</li> </ul> </li> </ul>
<p><b>Moved/Updated</b></p>	<ul style="list-style-type: none"> <li>● The revised part structure now <b>reflects the acquisition lifecycle</b>: <ul style="list-style-type: none"> <li>○ Subpart 14.1 – General</li> <li>○ Subpart 14.2 – Presolicitation</li> <li>○ Subpart 14.3 – Evaluation and Award</li> <li>○ Subpart 14.4 – Postaward</li> </ul> </li> <li>● Subpart 14.1, “<b>General</b>” streamlines and consolidates the five sections that were previously within the former subpart 14.1, “Use of Sealed Bidding”.</li> <li>● Subpart 14.2, “<b>Presolicitation</b>”, 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"> <li>○ Sections within the subpart are streamlined, consolidated, and reorganized to conform to the new subpart structure.</li> </ul> </li> <li>● Subpart 14.3, “<b>Evaluation and Award</b>”, 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</li> </ul>

	<p>Award of Contract”).</p> <ul style="list-style-type: none"> <li>○ Sections within the subpart are streamlined, consolidated, and reorganized to conform to the new subpart structure.</li> <li>● Subpart 14.4, “<b>Postaward</b>”, is designed to cleanly separate pre-award and post-award issues which are governed by different procedures. <ul style="list-style-type: none"> <li>○ 14.401, “<b>Mistakes after award</b>”, 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.</li> <li>○ 14.402, “<b>Pricing modifications</b>”, 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 post-award activity.</li> </ul> </li> <li>● The following <b>provisions and clauses are updated</b>. Updates are primarily for clarity and cross-referencing corrections. <ul style="list-style-type: none"> <li>○ 52.214-3 (Provision), Amendments to Invitations for Bids</li> <li>○ 52.214-5 (Provision), Submission of Bids</li> <li>○ 52.214-7 (Provision), Late submissions, modifications, and withdrawals of bids</li> <li>○ 52.214-23 (Provision), Late submissions, modifications, revisions, and withdrawals of technical proposals under two-step sealed bidding</li> <li>○ 52.214-25 (Provision), Step Two of Two-Step Sealed Bidding</li> <li>○ 52.214-26 (Clause), Audit and Records—Sealed Bidding</li> <li>○ 52.214-28 (Clause), Subcontractor Certified Cost or Pricing Data—Modifications—Sealed Bidding</li> </ul> </li> <li>● The FAR Companion is expected to include best practice information on the following <b>moved content</b> that is not statutorily required: <ul style="list-style-type: none"> <li>○ Subsection 14.201-8, “<b>Price-related factors</b>”</li> <li>○ Section 14.208, “<b>Amendment of invitation for bids</b>”</li> <li>○ Section 14.202-1, “<b>Bidding time</b>”</li> <li>○ Section 14.207, “<b>Pre-bid conference</b>”</li> <li>○ Section 14.209, “<b>Cancellation of invitations before opening</b>”</li> <li>○ Subsection 14.407-2(b) and (c), “<b>Apparent clerical mistakes</b>” regarding corrections</li> <li>○ Subsection 14.404-1(d), “<b>Cancellation of invitations after opening</b>” regarding extensions</li> <li>○ Subsection 14.408-1(b), “<b>General</b>” regarding a limited number of bids.</li> </ul> </li> </ul>
<p><b>Removed</b></p>	<ul style="list-style-type: none"> <li>● Section 14.105, “<b>Solicitations for informational or planning purposes</b>” is removed to align with streamlining efforts.</li> <li>● Subsection 14.202-3, “<b>Bid envelopes</b>” is removed to align with modernization efforts.</li> <li>● Subsection 14.202-7, “<b>Facsimile Bids</b>” is removed to align with modernization efforts.</li> <li>● Section 14.211, “<b>Release of Acquisition Information</b>” is removed because the content is adequately covered in other parts of the FAR.</li> <li>● Subsection 14.408-7, “<b>Documentation of Award</b>” is removed because the content is adequately covered elsewhere in the part or other parts of the FAR.</li> </ul>

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

#### **4. Instructions**

- The NARA acquisition workforce shall follow the RFO Part 14 and corresponding 52 model deviation text instead of FAR Parts 14 and 52 as codified at 48 CFR Chapter 1. The FAR Council’s RFO text is available at [FAR Overhaul - FAR Part 14 - Acquisition.gov](#) and is incorporated by reference into this deviation.
- For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at [RFO FAR 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.
- Contracting activities must review templates and related standard operating procedures to align with this class deviation and remove unnecessary processes and steps.

#### **5. Applicability**

The requirements in this Class Deviation (CD) apply to all solicitations and contract actions issued or awarded on or after **February 1, 2026**.

#### **6. Authority**

This class deviation is issued under the authority of Executive Order 14275 and OMB Memorandum M-25-26, 48 CFR Subpart 1.4.

#### **7. Effective Date**

This CD is effective as of the date signed and shall remain in effect until the provisions of the RFO are formally implemented in the FAR through a final rulemaking.

**Darnese M. Wilkerson,**  
Chief Acquisition Officer

cc: NGC