



Office of the Chief  
Acquisition Officer

**Date:** January 26, 2026

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

**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 44, Subcontracting Policies and Procedures

## 1. Purpose

This Class Deviation (CD) implements the FAR Council's model deviation text for FAR Part 44, Subcontracting Policies and Procedures. 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 44 enhances usability by restructuring and organizing the part in the logical flow of the acquisition lifecycle. FAR part 44 has been updated to create a more agile, risk-based, and efficient system that empowers contracting officers, reduces administrative burdens on contractors, and encourages broader participation from the commercial sector

## 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 44 model deviation text is a plain language version that will be adhered to by all NARA contracting personnel.

**3. Summary of Changes.** FAR Part 44, Subcontracting Policies and Procedures, has been updated to create a more agile, risk-based, and efficient system that empowers contracting officers, reduces administrative burdens on contractors, and encourages broader participation from the commercial sector.

Statutory requirements retained in the RFO FAR Part 44 model deviation include, but may not be limited to, the following:

- 10 U.S.C. § 3322(c) and 41 U.S.C. § 3905(c), Advance Notice of Certain Subcontracts
- 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services

Change	Description
<b>Retained</b>	<ul style="list-style-type: none"> <li>● The revised part <b>structure consolidates</b> relevant guidance into <b>process-oriented</b> subparts:               <ul style="list-style-type: none"> <li>○ Subpart 44.1 - <b>Reserved</b></li> <li>○ Subpart 44.2 - <b>Evaluation and Award</b></li> <li>○ Subpart 44.3 – <b>Postaward</b></li> <li>○ Subpart 44.4 - <b>Subcontracts for Commercial Products and Commercial Services</b></li> </ul> </li> <li>● <b>Most of the “Definitions”</b>, now at section 44.001 are <b>retained</b> with only minor, non-substantive wording changes, with the exception of “approved purchasing system”. This definition can still be found at clause 52.244-2.</li> <li>● Subpart 44.2 has been significantly streamlined to <b>consolidate policies related to subcontract consent, advance notification, and the contracting officer's evaluation process.</b> <ul style="list-style-type: none"> <li>○ The previous section 44.202-2(a) contained a detailed, 13-point checklist of considerations that the contracting officer was required to consider "at a minimum" for every consent request. Now, the new 44.201-3(b) provides a shorter, higher-level list of four situations that necessitate "careful and thorough review and consideration" of the request to subcontract.</li> <li>○ Note that the FAR Companion Guide is expected to provide additional guidance on notice and consent best practices for commercial time and materials contracts.</li> </ul> </li> <li>● Subpart 44.3 is <b>reorganized and streamlined</b> into five subsections (from seven separate sections):</li> </ul>

	<ul style="list-style-type: none"> <li>○ 44.301-1 Objective</li> <li>○ 44.301-2 Requirements</li> <li>○ 44.301-3 Responsibilities for granting, withholding or withdrawing approval</li> <li>○ 44.301-4 Notice</li> <li>○ 44.301-5 Withholding or withdrawing approval</li> <li>● Section 44.402 now breaks down “<b>Requirements</b>” into three distinct categories that improve readability: <ul style="list-style-type: none"> <li>○ <b>Preference</b> (for commercial products and services)</li> <li>○ <b>Flowdown</b> (rules for flowing down clauses)</li> <li>○ <b>Inapplicable laws</b> (laws that do not apply to commercial products and services)</li> </ul> </li> <li>● The following <b>clauses are retained</b> (or remain reserved if previously reserved) <b>with no changes to the text.</b> <ul style="list-style-type: none"> <li>○ 52.244-1 Reserved</li> <li>○ 52.244-2 Subcontracts</li> <li>○ 52.244-3 Reserved</li> <li>○ 52.244-4 Subcontractors and Outside Associates and Consultants (Architect-Engineer Services)</li> <li>○ 52.244-5 Competition in Subcontracting</li> </ul> </li> <li>● The following <b>clause is retained, with streamlining updates</b> to reflect other RFO changes and references. <ul style="list-style-type: none"> <li>○ 52.244-6 Subcontracts for Commercial Products and Commercial Services</li> </ul> </li> </ul>
<b>Removed</b>	<ul style="list-style-type: none"> <li>● The use of <b>Administrative Contracting Officer (ACO)</b> is no longer used as a designation. The part now reflects “Contracting Officer” where ACO was previously shown.</li> <li>● The <b>requirements for Contractor Purchasing System Reviews (CPSR) are significantly streamlined</b> to remove overly prescriptive conditions. <ul style="list-style-type: none"> <li>○ “Extent of Review”, with its 11 special attention areas, is removed (former section 44.303).</li> <li>○ “Reports”, with its distribution requirements, is removed (former section 44.307).</li> </ul> </li> </ul>

This table is not an exhaustive list.

#### 4. Instructions

- The NARA acquisition workforce shall follow the RFO Part 44 deviated text instead of FAR Part 44 as codified at 48 CFR Chapter 1, Subchapter B, Part 8. The FAR Council’s RFO text is available at [FAR Overhaul - FAR Part 44 - Acquisition.gov](https://www.far.gov/far-overhaul-far-part-44-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