



NATIONAL SCIENCE FOUNDATION
2415 Eisenhower Avenue ▪ Alexandria, VA 22314

December 2, 2025

MEMORANDUM

TO: National Science Foundation, Division of Acquisition and Cooperative Support
National Science Foundation Acquisition Workforce

FROM: Patrick K. Breen
Senior Procurement Executive

SUBJECT: FAR Class Deviation for FAR Part 41 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

PURPOSE: This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) part 41 for purposes of implementing the Federal Acquisition Regulatory Council's (Council's) model deviation text to FAR part 41.

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."

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- Remove duplicative or outdated language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.

SUMMARY OF CHANGES: FAR part 41, Acquisition of Utility Services, has been retained, streamlined, and improved for clarity. All subparts have been retained. Plain language

edits or other updates have been made throughout the part to remove unnecessary information or otherwise clarify the content. All clauses and provisions are retained.

Notably, the definition of “utility service” is updated. Services such as broadband internet and information technology services, which were nascent or nonexistent when the original regulation was drafted, are now explicitly carved out. This prevents agencies from incorrectly applying utility acquisition procedures. This change reduces the risk of improper sole-source justifications and promotes full and open competition in those dynamic markets.

Statutory requirements retained in the RFO FAR part 41 model deviation include, but may not be limited to, the following:

- 40 U.S.C. § 501, Services for Executive Agencies
- 42 U.S.C. § 2204, Electric Utility Contracts
- 42 U.S.C. §§ 7251 et. seq., Department of Energy Organization Act
- 42 U.S.C. § 8287, Authority to Enter into Contracts

INSTRUCTIONS: The NSF acquisition workforce shall follow the RFO part 41 model deviation text instead of FAR part 341 as codified at 48 CFR chapter 1. The Council’s RFO part 341 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul), under the "[FAR Overhaul](#)" link, and is incorporated into this class deviation.

APPLICABILITY: This class deviation applies to all NSF procurement actions.

AUTHORITY: This class deviation is issued under the authority of EO 14275, OMB Memo M-25- 26, 48 CFR 1.4, and RFO FAR 1.304.

EFFECTIVE DATE: This deviation is effective as dated and shall remain in effect until it is incorporated into the FAR, or until this class deviation is rescinded, extended, or amended.

POINT OF CONTACT: Contact Raymond McCollum at 703-292-4225 or rmccollu@nsf.gov.