



NATIONAL SCIENCE FOUNDATION
2415 Eisenhower Avenue ▪ Alexandria, VA 22314

July 15, 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 39 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 39 for purposes of implementing the Federal Acquisition Regulatory Council's (Council's) model deviation text to FAR part 39.

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- Remove duplicative or outdated language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 39, concerning Acquisition of Information and Communication Technology, has been streamlined to be future forward and emphasize strategies that promote faster acquisition and secure deployment of technology that is new or emerging.

Notably, FAR part 39 is renamed -

From	Acquisition of Information Technology
To	Acquisition of Information and Communication Technology

Statutory requirements retained in the RFO FAR part 39 model deviation include, but are not limited to, the following:

- 41 U.S.C. § 2308, Modular Contracting for Information Technology
- 40 U.S.C. § 1461, Procurement Procedures
- 29 U.S.C. § 794d, Electronic and Information Technology

Change	Description
Retained	<ul style="list-style-type: none"> • The applicability of part 39 to information technology, Internet of Things devices, and operational technology. Importantly, part 39 clarifies its application to new or emerging technology. • Agencies should continue to use modular contracting for incremental and successive contracts when acquiring IT. • The prohibition on describing minimum experience or educational requirements is now discretionary rather than mandatory. • Accessibility standards, including Section 508 compliance, are still required (with limited exceptions and exemptions) to ensure federal employees and members of the public with disabilities have comparable access and use of information and data. • Information regarding the management of risk has been streamlined. Both the contracting and program office offices are responsible for assessing, monitoring and controlling risk throughout the acquisition process.
Removed	<ul style="list-style-type: none"> • Reference to OMB Circular No's A-127, Financial Management Systems, and A-130, Management of Federal Information Resources. These Circulars may still be applicable for certain procurements and use of them is more appropriate for a guide. • Redundant prohibitions currently covered at FAR subparts 4.20, 4.21, 4.22, 4.23, and FAR part 40 not unique to IT procurements. • Clause 52.239-1, Privacy or Security Safeguards and its prescription.

This table is not an exhaustive list

INSTRUCTIONS: The GSA acquisition workforce shall follow the RFO part 39 model deviation text instead of FAR part 39 as codified at 48 CFR chapter 39. The Council's RFO part 39 model deviation text is available at Acquisition.gov, under the "FAR Overhaul" link, and is incorporated into this class deviation.

Do not include the following clause in future solicitations and contracts. For open solicitations or awarded contracts, the Contracting Officer has discretion regarding the need to enforce or amend the clause.

- 52.239-1, Privacy or Security Safeguards

Review templates and related standard operating procedures to align with this deviation and remove unnecessary processes or steps.

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

REQUIRED ACTIONS: The NSF acquisition workforce shall follow the RFO part 39 model deviation text instead of FAR part 39 as codified at 48 CFR Chapter 1. The Council's RFO part 1 model deviation text is available at [Acquisition.gov/far-overhaul-part-39](https://www.acquisition.gov/far-overhaul-part-39) and is incorporated into this class deviation.

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.