



Homeland
Security

MEMORANDUM FOR: Heads of Contracting Activities

FROM: Paul Courtney
Chief Procurement Officer

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SUBJECT: HSAR Class Deviation (Number 25-05) for HSAR Part 3036 in Support of Executive Order on Restoring Common Sense to Federal Procurement

- 1. Purpose.** This memorandum approves a class deviation to the Homeland Security Acquisition Regulation (HSAR) part 3036 for purposes of implementing Federal Acquisition Regulation Class Deviation (Number 25-15) for FAR Part 36 in support of Executive Order 14275 on Restoring Common Sense to Federal Procurement.
- 2. Background.** [Executive Order \(E.O.\) 14275, Restoring Common Sense to Federal Procurement](#), signed April 15, 2025, mandates a comprehensive review and simplification of the FAR.

The FAR is being updated to:

- Eliminate non-statutory language
- Remove redundant or obsolete language
- Enhance clarity through plain language
- Align with the new FAR framework
- Preserve essential governmentwide acquisition standards

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements. Department of Homeland Security (DHS) FAR Class Deviation Number 25-15 for FAR Part 36 was issued on August 6, 2025.

- 3. Summary of Changes.** HSAR Part 3036, Construction and Architect-Engineer Contracts, has been updated to align with DHS FAR Class Deviation Number 25-15.

Statutory requirements retained in the FAR Class Deviation 25- 15 for Part 36 include, but are not limited to, the following:

- 10 U.S.C. § 3241 and 41 U.S.C. § 3309, Design-Build Selection Procedures
- 15 U.S.C. § 644(w), Administration of Construction Change Orders
- Pub. L. 92-582, Brooks Act of 1972
- Pub. L. 103-355, Federal Acquisition Streamlining Act of 1994
- Pub. L. 108-136, Services Acquisition Reform Act of 2003

4. **Instructions.** The DHS acquisition workforce shall follow this HSAR Part 3036 deviation text instead of HSAR Part 3036 as codified at 48 CFR Chapter 30.
5. **Applicability.** This class deviation applies to all DHS procurements.
6. **Authority.** This class deviation is issued under the authority of [E.O. 14275](#), [OMB M- 25-25](#), 48 CFR 1.4, and RFO FAR 1.304.
7. **Effective Date.** This class deviation is effective immediately and remains in effect until rescinded or incorporated into the HSAR.
8. **Points of Contact.** Questions regarding this class deviation may be directed to Acquisition Policy and Legislation Branch at Acquisition.Policy@hq.dhs.gov.

Attachment: HSAR Class Deviation 25-06 for HSAR Part 3036 Construction and Architect-Engineer Contracts (DEVIATION) (AUG 2025) – CLEAN VERSION

PART 3036 CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Subpart 3036.000 Scope of Part

- 3036.002 Policy.
- 3036.002-70 Use of project labor agreements.
- 3036.104-90 Authority for one-step turn-key design-build contracting for the United States Coast Guard (USCG).

Subpart 3036.1 General

- 3036.101-7** Clauses
- 3036.101-770** Special precautions for work at operating airports.
- 3036.101-90** Authority for one-step turn-key design-build contracting for the United States Coast Guard (USCG).
- 3036.104** [Removed]

Subpart 3036.2 Special Aspects of Contracting for Construction

- 3036.201-170 Limitations
- 3036.202-470 Approval to use short selection procedures.

Subpart 3036.3 Postaward

- 3036.301 Responsibilities of contracting officers.
- 3036.301-70 Design error recovery.

Subpart 3036.5 [Removed]

Subpart 3036.000 Scope of Part

36.002 Policy.

3036.002-70 Use of project labor agreements.

The contracting officer shall coordinate with Component labor and legal advisors before determining whether an exception to the requirement for a project labor agreement under section 36.002(a) of FAR Class Deviation 25-15 applies to a DHS construction acquisition.

Subpart 3036.1 General

36.101-7 Clauses.

3036.101-770 Special precautions for work at operating airports.

Where any acquisition will require work at an operating airport, insert the clause at (HSAR) 48 CFR 3052.236-70, Special Precautions for Work at Operating Airports, in solicitations and contracts (or as may be directed in subsequent deviations).

3036.101-90 Authority for one-step turn-key design-build contracting for the United States Coast Guard (USCG).

The Head of the Contracting Activity (HCA) of the U.S. Coast Guard may use one-step turn-key selection procedures to enter into fixed-price design-build contracts in accordance with 14 U.S.C. 677.

3036.104 [Removed]

**Subpart 3036.2 Special Aspects of Contracting for Construction
3036.201-170 Limitations**

The Chief Procurement Officer (CPO), or designee, is the approval authority under section 36.201-1(b) of FAR Class Deviation 25-15 for contracting with a firm that designed the project or its affiliates.

36.202-470 Approval to use short selection procedures.

The contracting officer may use the short selection processes in section 36.202-4 of FAR Class Deviation 25-15 when approved by the Chief Procurement Officer (CPO) or designee.

Subpart 3036.3 – Postaward

3036.301 Responsibilities of contracting officers.

3036.301-70 Design error recovery.

When considering recovery of costs under section 36.301(b)(5) of FAR Class Deviation 25-15, the contracting officer shall coordinate with Component legal counsel and the Program Office. The rationale for any decision not to pursue recovery must be approved by the HCA and documented in the contract file.

Subpart 3036.5 [Removed]