

GSA Announces FAR Deviations to Enforce Executive Orders for Government Contractors

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On February 15, 2025, the acting administrator of the United States General Services Administration (GSA), Stephen Ehikian, [announced on X](#) (formerly Twitter) that the GSA issued several new deviations from the [Federal Acquisition Regulation \(FAR\)](#) intended to implement key Trump Executive Orders that aim to end illegal discrimination, restore merit-based opportunity, and eliminate the forced use of paper straws in procurement. Agency heads generally can prescribe deviations from the standard FAR provisions to allow contracting officials to issue policies, procedures, or solicitation provisions that are otherwise inconsistent with the FAR.

Ehikian's announcement, which was reposted by the GSA and the Department of Government Efficiency, provided limited details:



Stephen Ehikian 
@USGSASStephenE



Effective today, @USGSA issued FAR deviations to implement key @POTUS Executive Orders: ending illegal discrimination, restoring merit-based opportunity, & eliminating forced use of paper straws in procurement. GSA is leading the way & encourages all agencies to follow!

FEDERAL ACQUISITION REGULATION DEVIATIONS EFFECTIVE IMMEDIATELY

- **ENDING ILLEGAL DISCRIMINATION IN FEDERAL CONTRACTING**
- **RESTORING MERIT-BASED OPPORTUNITY**
- **PROMOTING SUSTAINABLE PROCUREMENT**
(ENCOURAGING EFFICIENT, ECO-FRIENDLY PRACTICES & INCLUDES ELIMINATING FORCED USE OF PAPER STRAWS)



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ALT

ACTIONS FOR CONTRACTING OFFICERS EFFECTIVE IMMEDIATELY

- **AMEND OPEN SOLICITATIONS BEFORE CLOSING OR AWARD**
- **MODIFY EXISTING CONTRACTS W/ 6+ MONTHS REMAINING**
- **NO ACTION FOR CONTRACTS W/ <6 MONTHS LEFT**
(UNLESS MORE ECONOMICAL TO DO SO)



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On February 18, 2025, the GSA released class deviation [CD-2025-04 with Supplement 1](#), which makes changes to FAR subpart 22.8, Equal Employment Opportunity, to address the Administration's revocation of Executive Order 11246, Equal Employment Opportunity, and eliminates a FAR section and clause for Apprenticeships and Trainees that is to be implemented in accordance with EO 11246. The GSA also issued class deviation [CD-2025-05](#), which addresses the revocation of Executive Order 14057 for Federal Sustainability and Ending Procurement and Forced Use of Paper Straws. Both class deviations apply to all GSA solicitations and contracts (including leases of real property), provide guidance to the GSA acquisition workforce on how to implement the class deviations, and are effective immediately.

Both class deviations reference each other, and include sets of clauses that contracting officers should include or exclude, based on the particular deviation's purpose. For example, the 81-page class deviation CD-2025-04 with Supplement 1 requires contracting officers to amend solicitations and modify contracts to include six deviated provisions, and to exclude eight clauses that the GSA considers to conflict with Executive Order 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, such as FAR 52.222-21 through -27, and FAR 52.222-29. Likewise, the 25-page CD-2025-05 deviation requires contracting officers to amend solicitations or modify contracts to implement applicable sections of Executive Order 14148, Initial Rescissions of Harmful Executive Orders and Actions, and Executive Order 14208, Ending Procurement and Forced Use of Paper Straws, in order to eliminate non-statutory sustainability requirements or preferences for purchases of "food service wares." The GSA's swift action in announcing these FAR deviations demonstrates the expanding effort of the administration's new political appointees to rapidly implement the President's policy changes, despite the significant debate and pending litigation surrounding several of them.

Contractors with GSA contracts should stay alert for changes to open GSA solicitations and amendments to their current GSA contracts. We expect other civilian and defense agencies to follow the GSA's lead with other FAR deviations to come. Federal contractors are required to comply with these changes and should track any additional costs that are incurred as a result of complying with the modifications to existing contracts. They also should factor in any additional costs or scheduling delays the deviations might cause in new bids or contract modifications. As noted in our previous Client Alerts addressing the Executive Orders [changing DEI requirements for contractors](#), and the resulting [increased risk for contractors](#), failure to adhere to the Executive Orders may subject contractors to liability under the False Claims Act, as well as for breach of contract.

Winston & Strawn's Government Contracts and Grants team will continue to monitor new developments and is standing by to help clients comply with these changes and prepare any necessary requests for equitable adjustment.

If you have any questions regarding this or related subjects or if you need assistance, please contact the authors of this article, members of our Government Contracts and Grants team, or our DEI Compliance Task Force. You can also visit our [Government Contracts & Grants](#) webpage, our [DEI Compliance Task Force](#) webpage, and our [Government Investigations, Enforcement, and Compliance Practice](#) webpage for more information on this and related subjects.

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Authors

[Lawrence "Larry" Block](#)

[Elizabeth Leavy](#)

[Lawrence S. Sher](#)

[William T. Kirkwood](#)

[Allison M. Booth](#)

[Warren Geary](#)

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Lawrence "Larry" Block



Elizabeth Leavy



Lawrence S. Sher



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Allison M. Booth



Warren Geary

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