



FEDERAL DEMONSTRATION PARTNERSHIP
Redefining the Government & University Research Partnership

FDP Contracts Subcommittee

FDP Meeting – January
2026



Contracts Subcommittee

Members

John Bartlett, University of South Florida

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Mary Sladek, NASA

Jamie Sprague, Cornell University

Claire Stamm, George Washington University

Corrin Terrones, University of California, Santa Barbara

Dena-Rose Wilson, University of South Florida



Committee Recap

Our main objectives include:

- Identify common contract processing practices that can be expedited by uniform procedures within FDP VII
- Design, monitor, and evaluate new procedures and concepts that are in response to the legal requirements of the contracts process
- Study the similarities/differences between the grant and contract processes to see if gains in costs and efficiency can be generated by adapting some of the FDP grant procedures for use with contracts
- Provide a forum for discussion of and possible resolutions for contracting issues as they arise for member institutions and agencies

Examples of previous Contract Subcommittee Outputs:

- FAR Guidance Resource Document
- Fundamental Research determination request template



Committee Activities

Active workgroups:

- Federal Lab Review & Negotiation Techniques Working group
- IT Security Clause/CMMC Working group
- OTA Workgroup



Session Topics

- **Creative Contracting**
- **FAR Overhaul & Its Impact to Universities**



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Creative Contracting

Katie Cook, Michigan State University and Hallie Leavell, University of Alabama



Grant and Contract Terms

- Executive Order language in grants & contracts
 - Must adhere to “all” EOs vs. the normal “all applicable” EOs
 - Agreeing to EOs issued in the future
 - “Compliance with Executive Orders: The recipient agrees to comply with the policies and to further the objectives set forth in all applicable Executive Orders currently in legal effect, including those issued on or after January 20, 2025, as well as Executive Orders that may be issued after the effective date of this award.”
 - Affirmative Duty language (Commerce)
 - “...At any time during the period of performance of this award, if the recipient believes that any of the activities in its approved scope of work may be inconsistent with the policies outlined in any applicable Executive Order, the recipient has an affirmative duty to immediately stop work on those potentially inconsistent activities and immediately contact the Grants Officer named in the Notice of Award (NoA) to determine whether the potentially inconsistent activities may proceed under this award. ...”
- Be aware of research security terms that are more restrictive
 - All project personnel needing approval for foreign personal travel
 - IT security requirements



Grant and Contract Terms

- Conflicting DEI/Civil Rights institutional certifications/language
 - Certs regarding “illegal DEI” however term is not defined in award
 - NSF example: “Any outreach, recruitment, or participatory activities to reach individuals from underrepresented populations supported under this award must comply with applicable legal requirements, including those set forth at the term and condition entitled “Non-Discrimination Statutes.” Further requirements are set forth in applicable national policy requirements, including Executive Orders, as set forth at the term and condition entitled “Recipient Responsibilities and Federal Requirements.”
- Organizational COI- Restrictions on doing future work or getting approval to do similar work without having Org COI. Be careful with wording!
- Termination language changes for “convenience” (NASA 1/2026)
- Beware of FAR text being modified in contract but not noted (that it was modified)
 - Example: FAR 52.217-9 OPTION TO EXTEND THE TERM OF THE CONTRACT (MAR 2000)
- FAR clauses or Attachments to awards being “Reserved”



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FAR Overhaul

Elizabeth Eason, Georgia Institute of Technology; Gloria Greene, The University of Alabama in Huntsville; Janette Hannam- Hayes, Emory University and Stacia Levy, University of Pennsylvania



FAR Overhaul

Overview of the FAR Overhaul

“Restoring Common Sense to Federal Procurement”

- Government’s stated intent is to streamline and simplify Federal Acquisition Regulations (FAR).
- Remove duplicative rules and rewrite FAR in plain language to enhance clarity and usability.
- Reduce administrative burdens, speed acquisitions, and foster greater competition among vendors.
- Provide flexible, practical strategies for applying streamlined regulations.

Impact on Universities

- Universities must adapt to changes in the FAR.
- Monitor evolving compliance for federally funded research.
- Ensure staff are informed and kept abreast of ongoing changes.



FAR Overhaul

Implementation Timelines

Phase I: Model Deviations and Initial Changes

Release of Model Deviations (September 30, 2025)

- Agencies issued model FAR deviations intended to simplify and modernize FAR text pending formal rulemaking.

Interim Compliance Environment

- A temporary compliance period (30 days) exists in which institutions must navigate agency-specific deviations alongside existing FAR requirements.

Consolidated FAR Parts

- Certain definitions, solicitation provisions, and clauses were consolidated into FAR Parts 2 and 52 to improve usability and reduce duplication

Guidance and Training Tools

- Practitioner albums and companion tools provided practical guidance to acquisition professionals during the changes. These tools support implementation, but do not create independent compliance requirements.



FAR Overhaul

Implementation Timelines

Phase II: Formal Rulemaking and Stakeholder Input

Transition to Formal Rulemaking

- Phase II moves from interim deviations to formal FAR revisions subject to statutory rulemaking processes. Rulemaking outcomes are not final until published and effective.

Stakeholder Engagement

- Universities and other stakeholders may provide input through public comment periods, consistent with the FAR system's governance framework

Governance and Sunset Clauses

- Rulemaking addresses governance with sunset clauses for periodic review of non-statutory provisions.
- FAR 1.109: Non-statutory provisions expire unless renewed, not unless complied with. Institutions must track renewal decisions, not just expiration dates

Institutional Compliance and Timeline

- Higher education must monitor updates, engage in comment periods, and adjust compliance through 2026. Stakeholder engagement is not optional advocacy—it is part of the FAR system's design.



FAR Overhaul

Key Regulatory Changes

Major Updates in FAR Structure

Plain-Language Rewrite

- FAR is undergoing comprehensive rewrite to plain language
 - Purpose is to enhance clarity and usability for all

Sunset Clause Implementation

- FAR Part 1 includes sunset clause. Non-statutory provisions expire after four (4) years unless renewed
 - Purpose is to maintain relevance

Non-Regulatory Buying Guides

- New buying guides for practical procurement strategies and category management
 - Purpose is to improve acquisition processes

Impact on Universities

- Universities benefit from simplified compliance and faster acquisition cycles for federally funded research.



FAR Overhaul

Potential Impact on Universities

Sponsored Programs and Contract Administration

Impact of FAR Overhaul

- Stated purpose is to simplify clauses and reduce requirements to lower administrative burdens in contract administration

Transitional Compliance Challenges

- Interim deviations create a moving-target compliance environment requiring robust tracking systems
- Language for contracts regarding interim solution and anticipated FAR Council guidance - especially for clauses that are deleted or are “RESERVED”

Training and Adaptability

- Training contract officers, contract administrators and procurement staff is essential for managing new provisions and sunset clauses

Contract Review, Interim Language and Strategic Planning

- Institutions must review contracts and plan strategically to ensure compliance and protect funding opportunities.



FAR Overhaul

Potential Impact on Universities

Sponsored Research Office - Prime Contract and Subcontracts; Procurement/ Purchasing for Sponsored Programs; Office of Technology Transfer/ Licensing; Office of General Counsel

Streamlined Acquisition Benefits

- Simplified procurement processes will help speed up purchasing of specialized research equipment and services

Regulatory Oversight and Compliance

- Institutions must track sunset clauses to manage regulatory expirations and maintain compliance

Policy Updates and Training

- Teams that do work related to sponsored research contracts also need updated policies and training to adapt to new requirements

Collaborative Strategy Alignment

- Ongoing cooperation between research staff and procurement, technology transfer, and legal to ensure efficient, compliant operations



FAR Overhaul

Steps Universities should consider

Action Plan for Compliance and Adaptation

Review and Update Policies

- Review model deviations and update internal guidance to align with interim FAR requirements

Interim Language for Contracts to Anticipate Changes

- Can no longer rely on clauses - including flow downs - to remain the same for life of contract

Training and Education

- Invest in training for contract administrators, procurement staff, and legal counsel to ensure compliance understanding

Monitoring Regulatory Changes

- Establish monitoring systems to track sunset clauses and regulatory updates for ongoing alignment

Stakeholder Engagement

- Engage stakeholders and participate in public comment periods to influence FAR rulemaking outcomes



FAR Overhaul Resources



Agency Deviations by FAR Parts

FAR Parts and Agency Deviations

Overhauled Parts

Part 1 - Federal Acquisition Regulations System

Issuance Date: May 2, 2025

Agency Deviations (32)

- [Department of Defense \(DoD\)](#)
- [National Archives and Records Administration \(NARA\)](#)
- [United States Agency for International Development \(USAID\)](#)
- [Department of the Interior \(DOI\)](#)
- [Environmental Protection Agency \(EPA\)](#)
- [National Labor Relations Board \(NLRB\)](#)
- [United States Department of the Treasury](#)
- [Federal Election Commission \(FEC\)](#)
- [Housing and Urban Development \(HUD\)](#)
- [Department of Justice \(DOJ\)](#)

Useful Links

- [NEW - Federal Supply Schedule Ordering Procedures](#)
- [FAR approved OMB control numbers under the Paperwork Reduction Act](#)
- [Renaming of Public Laws \(Positive Law Codification\)](#)
- [Emergency Procurement List](#)
- [Full RFO pdf](#)

FAQs

For a list of frequently asked questions and answers click the link below:

<https://www.acquisition.gov/far-overhaul/far-part-deviation-guide>



FAR Overhaul

Practitioner Albums: Training and Non-Regulatory Materials

- Training and implementation support
- Curated sets of non-regulatory materials
- Summary of key changes
- Line-out document highlighting what was removed from FAR
- Also applies to procurement purchases

<https://www.acquisition.gov/far-overhaul/practitioner-albums>



FAR Companion

- Developed to “help acquisition officials exercise their discretion”
 - Includes “key principals, proven practices, explanatory material, and implementation guidance”
 - Non-regulatory, contains no mandates.
 - Not intended to carry legal authority, nor serve as the basis for protests or legal actions.
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- Part 52 solicitation provisions and contract clauses that were updated, removed (and reserved), or newly-added (e.g., 52.204-90) as a result of the FAR Overhaul are marked with “(DEVIATION DATE)”.

https://www.acquisition.gov/sites/default/files/page_file_uploads/far-companion.pdf



Questions & Discussion





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