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The Revolutionary FAR Overhaul Initiative: Breaking Down Executive Order 14275 And Its Implementation

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On April 15, 2025, President Trump issued Executive Order 14275, “Restoring Common Sense to Federal Procurement,”¹ setting in motion the most comprehensive overhaul of the Federal Acquisition Regulation (FAR) since its inception more than 40 years ago. This initiative aims to transform what has grown into a 2,000-page regulatory framework that some view as a barrier to efficient procurement into a streamlined, plain language set of essential regulations. That the FAR could be improved and simplified is hardly worth debate: It can. The question will be whether the “Revolutionary FAR Overhaul,”² or RFO, initiated by Executive Order 14275 achieves the overall objective of streamlining the FAR in a way that is fair, transparent, and efficient for both Government and industry.

Trump Administration Emphasis On Deregulation

Executive Order 14275 builds on several Trump Administration Executive Orders aimed broadly at reducing federal regulations across the board and improving federal procurements. On the deregulatory front, for example, the President issued Executive Order 14192, “Unleashing Prosperity Through Deregulation,” on January 31, 2025, requiring all federal agencies to identify at least 10 rules for elimination for every new rule issued.³

On February 19, the President signed Executive Order 14219, “Ensuring Lawful Governance and Implementing the President’s Department of Government Efficiency Deregulatory Initiative.”⁴ This Order instructs agencies to pursue broad deregulatory reform through a three-phase process. First, federal agencies must identify regulations that are unlawful or that contradict certain policy objectives. In doing so, agencies are instructed to work with the Department of Government Efficiency, or DOGE, to identify regulations that fall into several categories deemed ripe for repeal.⁵ Second,

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agencies are required to de-prioritize enforcement of those regulations.⁶ Third, the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) will work with agencies to modify or rescind these regulations.⁷ The categories for possible elimination are informed by the United States Supreme Court decision in *Loper Bright Enterprises v. Raimondo*, whereby the Court overruled *Chevron* deference and required courts to independently determine statutes' "single, best meaning" when reviewing agency action,⁸ and include:

- Unconstitutional regulations and regulations that raise serious constitutional difficulties;
- Regulations based on unlawful delegations of legislative power;
- Regulations based on anything other than best reading of underlying statutory authority;
- Regulations implicating matters of social, political, or economic significance not authorized by statute;
- Regulations imposing significant costs on private parties not outweighed by public benefits;
- Regulations harming national interest by "impeding technological innovation, infrastructure development, disaster response, inflation reduction, research and development, economic development, energy production, land use, and foreign policy objectives"; and
- Regulations that impose undue burdens on small business and impede private enterprise.⁹

On April 9, 2025, the President signed Executive Or-

der 14267, "Reducing Anti-Competitive Regulatory Barriers," which directs agencies in consultation with the Federal Trade Commission and the Attorney General to identify regulations for rescission or modification that, broadly speaking, could impair competition.¹⁰ This Executive Order targets regulations that:

- Create, or facilitate the creation of, *de facto* or *de jure* monopolies;
- Create unnecessary barriers to entry for new market participants;
- Limit competition between competing entities or have the effect of limiting competition between competing entities;
- Create or facilitate licensure or accreditation requirements that unduly limit competition;
- Unnecessarily burden the agency's procurement processes, thereby limiting companies' ability to compete for procurements; or
- Otherwise impose anti-competitive restraints or distortions on the operation of the free market.¹¹

Finally, beyond deregulation, on April 9, 2025, the President issued Executive Order 14265, "Modernizing Defense Acquisitions and Spurring Innovation in the Defense Industrial Base," to reform defense acquisitions by, among other things, focusing on "speed, flexibility, and execution," having a "first preference" for commercial solutions and a "general preference" for use of Other Transactions authority, reviewing major defense acquisition programs (MDAPs), and reforming the Department of Defense (DOD) acquisitions workforce to focus on innovative acquisition practices and the taking

Editor: Valerie L. Gross

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of “measured and calculated risks.”¹² On April 15, 2025, the same date as issuance of Executive Order 14275, the President issued Executive Order 14271, “Ensuring Commercial, Cost-Effective Solutions in Federal Contracts,” to drive home the Administration’s policy preference for “commercially available products and services, including those that can be modified to fill agencies’ needs, to the maximum extent practicable.”¹³

Executive Order 14275: Policy Objectives And Framework

Executive Order 14275 identifies the current FAR system as “an excessive and overcomplicated regulatory framework” that has resulted in “an onerous bureaucracy.”¹⁴ According to the Order, “[f]ederal procurement under the FAR receives consistently negative assessments regarding its efficiency.”¹⁵ The Order cited studies such as the December 19, 2024 report by Sen. Roger F. Wicker (R-Miss.), then Ranking Member (and now the Chairman) of the Senate Armed Services Committee, entitled “Restoring Freedom’s Forge: American Innovation Unleashed,”¹⁶ and the multiple reports prepared from 2016–2019 by the Advisory Panel on Streamlining and Codifying Acquisition Regulations (referred to as “the Section 809 Panel”) created in § 809 of the National Defense Authorization Act for Fiscal Year 2016, Pub. L. No. 114-92.¹⁷ Both documents generally favor reform of the FAR. Sen. Wicker’s Report, for example, notes: “The length of today’s policy speaks literal volumes. The [FAR]—including supplements, clauses, forms, and instructions—runs 6,000 pages, with thousands more in guidebooks. The multi-volume document is a maze that our contracting officers must navigate.”¹⁸ Among its many recommendations for acquisition reform and FAR and Defense Federal Acquisition Regulation Supplement (DFARS) simplification, the Section 809 Panel recommended minimizing Government-unique terms applicable to commercial product and service acquisitions and precluding the FAR Council from applying Government-unique terms to such FAR Part 12 acquisitions unless expressly authorized by Congress (Rec. 2, Vol. 1, Section 1, at 32), updating the FAR and DFARS to reduce burdens on the DOD commercial supply chain and encourage innovation (Rec. 62, Vol. 3, Section 6, at 322), and requiring the Administrator of the General Services Administration (GSA) and the Secre-

tary of Defense to maintain essentially “annotated” electronic versions of the FAR and DFARS because “[t]he complexity of the federal regulation process has resulted in regulations that are challenging to navigate and understand for most government and industry acquisition team members” (Rec. 91, Vol. 3, Section 11, at 505).

Against this backdrop, Executive Order 14275 establishes a clear policy direction “to create the most agile, effective, and efficient procurement system possible.”¹⁹ Key directives include that the FAR should contain “only provisions required by statute or essential to sound procurement,”²⁰ and provisions that do not advance these objectives should be removed.²¹

Implementation Timeline

The Order sets an aggressive timeline—requiring the Administrator of the Office of Federal Procurement Policy (OFPP), within OMB, to work with the FAR Council to amend the FAR within 180 days of the Order’s issuance (by October 13, 2025) “to ensure that it contains only provisions that are required by statute or that are otherwise necessary to support simplicity and usability, strengthen the efficacy of the procurement system, or protect economic or national security interests.”²² To facilitate this rapid transformation, agencies were required to designate senior acquisition officials within 15 days of the Order’s issuance (by April 30, 2025) to work with the OFPP Administrator and the FAR Council to “identify and appropriately address FAR provisions that are inconsistent with the policy objectives” of the Order.²³ OMB, in coordination with the OFPP Administrator, was directed to issue guidance to agencies within 20 days of the Order (by May 5, 2025) regarding implementation of changes to the FAR and agency FAR supplements, including ensuring adherence to the “ten-for-one requirement described in Executive Order 14192.”²⁴

The Revolutionary FAR Overhaul Initiative: Implementation Approach And Creation Of The SAG

OFPP and the FAR Council, through GSA, have set up a landing page on the [Acquisition.gov](https://www.acquisition.gov) website, entitled the “Revolutionary FAR Overhaul,” or RFO, to post the revised FAR Parts as they are completed.²⁵ This page

includes links to “Latest News & Announcements” as well as an “OMB MBX” mailbox link for feedback, although it is unclear exactly how that feedback would be processed or whether it would be publicly available.

On this landing page there is a link to the “overhauled” FAR Parts and the agency deviations adopting them.²⁶ From this link, you can click on the “Completed Parts” to view the revised text and see the FAR Parts that are “Awaiting Overhaul.” As discussed below, as of publication of this BRIEFING PAPER, only Parts 1 and 34 and the associated clauses in Part 52 have been revised. If you click on the link to revised FAR Part 1, you are taken to the revised text. There is also a “Feedback” link, which asks for respondents to identify areas that need refinement or that may create unintended consequences.²⁷ Similar to the FAR Council deviation guidance discussed below, the link indicates that the FAR Council will not respond to comments but will consider feedback “as appropriate” in the final rulemaking process. There is a text box for including feedback, and the box appears to expand to accommodate a narrative submission. Comments on the initial posting of revised FAR Parts 1 and 34 and associated FAR Part 52 clauses are due no later than September 30, 2025.

The posted “overhauled” FAR provisions are also accompanied by a “line out document.”²⁸ The line out only shows text removed from the FAR Part; it does not show revised or added text and is not a “crosswalk” to the revised FAR Part.²⁹

OMB Memorandum M-25-25, “Overhauling the Federal Acquisition Regulation,” dated May 2, 2025 and posted to the RFO website under “Latest News & Announcements” along with the first “overhauled” Parts,³⁰ states that “[t]he FAR will be refocused on its statutory roots.”³¹ Moreover, “nonstatutory regulations will be replaced with OFPP-endorsed buying guides that highlight proven innovative buying techniques for different phases of the acquisition lifecycle as well solutions and manageable procurement pathways for different types of common goods and services recognized by category management.”³² This revised FAR, combined with the buying guides, will be known as “the *Strategic Acquisition Guidance (SAG)*.”³³ The new SAG, according to the Memo, “will increasingly leverage technology over time [and] will provide a common-sense authoritative founda-

tion for nimble response and delivery of mission capability.”³⁴

The Appendix to OMB Memo M-25-25 previews some changes coming to future FAR Parts. In particular, the Appendix notes:

As examples, the deviation guidance for FAR Part 12, Acquisition of Commercial Products and Services, will eliminate most non-statutory requirements to lower transaction costs for contractors, increase competition for agency requirements, and make it easier for buyers to negotiate better deals for the taxpayer. The FAR Council’s deviation guidance for Part 22, Application of Labor Laws on Government Acquisitions, and Part 23, Environment, Sustainable Acquisition, and Material Safety, will build on guidance issued earlier this year by FAR Council members to eliminate nine contract clauses that went beyond statutory anti-discrimination laws and eliminated or modified 10 clauses to remove non-statutory sustainability requirements.³⁵

Phased Implementation Approach

The FAR Overhaul initiative employs a two-phase approach:

(1) *Immediate Implementation Through Class Deviations*—Pursuant to Section 5(d) of Executive Order 14275, the revised FAR is to be implemented immediately through class deviations and interim guidance “until final rules reforming the FAR are published.”³⁶ Accordingly, the FAR Council is issuing model deviation guidance on a rolling basis by FAR Part “to kickstart FAR streamlining.”³⁷

Pursuant to the FAR Council guidance on class deviations issued with the initial posting of revised FAR Parts 1 and 34 (and associated clauses in FAR Part 52) on the RFO website,³⁸ even though the FAR Council will issue specific guidance for each FAR Part as it is developed, agencies are generally directed to issue agency-specific class deviations within 30 days of the model text publication on the RFO website. If the agency adopts the FAR Council’s proposed deviation or requires different text “only to address statutory direction unique to the agency,” the agency is not required to coordinate with the FAR Council.³⁹ Any other departures from the FAR Council deviation text require approval from the Council.⁴⁰ The FAR Council will review and provide decisions on deviation requests within five business days (and within 24

hours for urgent requests).⁴¹ If no response is received within these time frames, agencies may proceed with their proposed deviation text.⁴² Agencies are discouraged from adopting any other class deviations unrelated to the FAR Overhaul, unless required by Executive Order, statute, or FAR Council direction.⁴³ Agency adoptions of the deviations are also supposed to be posted to the RFO website.⁴⁴

OMB Memo M-25-25 also says that the FAR Council's deviation guidance will "include instructions for informal public comment" on the deviations, but the "FAR Council will not formally respond to the feedback during the deviation guidance phase."⁴⁵ Instead, it "will consider the input, as appropriate, in the formal rulemaking phase,"⁴⁶ discussed below. As discussed above, the "feedback" link for each revised FAR Part is the current mechanism for submitting that public comment.⁴⁷

(2) *Formal Rulemaking*—Following the comprehensive issuance of model deviation guidance for *all* FAR Parts, the FAR Council will undertake formal rulemaking through the notice and comment process.⁴⁸ Both OMB Memo M-25-25 and the FAR Council's class deviation guidance makes this explicit.⁴⁹ The OMB Memo also states that the final FAR rules will reflect more than public feedback on the various overhauled Parts: "The rulemaking will be informed by the model deviation text, public input on the text received on the RFO website, operational experience with agency deviations, recommendations from agency points of contact identified pursuant to subsection (b) [of the Appendix to the Memo], testing of the buying guides, and other appropriate inputs."⁵⁰

This approach represents a significant departure from traditional rulemaking processes. Under 41 U.S.C.A. § 1707, which OMB and the FAR Council cite in their class deviation guidance, a "procurement policy, regulation, procedure, or form (including an amendment or modification thereto) may not take effect until 60 days after it is published for public comment in the Federal Register" if it relates to the expenditure of appropriated funds and "has a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form" or "has a significant cost or administrative impact on contractors or offerors."⁵¹ A complete overhaul of the FAR would appear to fall within

this proscription. An exception allows such regulations to go into effect within 30 days, but requires "compelling circumstances" and still requires advance publication in the *Federal Register*.⁵² Section 1707(d) allows for a waiver of these requirements "by the officer authorized to issue a procurement policy, regulation, procedure or form if urgent and compelling circumstances make compliance with the requirement impracticable."⁵³ It does not appear, however, that any such "urgent and compelling" finding has been formally made to waive the normal processes. Regardless, even with a waiver of the normal notice-and-comment process, 41 U.S.C.A. § 1707(e) provides that the regulation is effective on a temporary basis only if "a notice of the policy, regulation, procedure, or form is published in the Federal Register and includes a statement that the policy, regulation, procedure, or form is temporary" and "provision is made for a public comment period of 30 days beginning on the date on which the notice is published."⁵⁴ To date, the FAR Overhaul process does not appear to strictly follow these waiver provisions, either. In short, despite the normal rulemaking process outlined in 41 U.S.C.A. § 1707, the RFO process will allow the Government to implement changes before publication in the *Federal Register*, initiation of formal notice-and-comment procedures, or formal issuance of a waiver.

Pivot To Agency Buying Guides: A New Framework

As discussed above, a key element of the Revolutionary FAR Overhaul is moving non-statutory buying strategies out of the FAR and into OFPP-endorsed "buying guides" that, collectively with the streamlined FAR, will be referred to as the Strategic Acquisition Guidance (SAG).⁵⁵ These buying guides are intended to "remov[e] a substantial restraint on agencies' ability to attract broader interest in their procurements and competitions from small and large businesses, including new entrants and entities that are long-standing participants."⁵⁶ It is unclear who will prepare these buying guides. OMB Memo M-25-25 states only that "agency practitioners with proven track records in streamlining procurement processes" will work with Government-wide category managers.⁵⁷ Although OMB Memo M-25-25 states that the first buying guides will address "best practices for applying innovation and streamlining throughout the acqui-

sition lifecycle and on specific categories of the most popular common spend categories, including information technology (IT), professional services, and facilities and construction.”⁵⁸ GSA’s announcement of the RFO Initiative states that the first buying guide will focus on Software-as-a-Service (SaaS) acquisitions, reflecting the Administration’s focus on modernizing technology procurement.⁵⁹ Revised FAR 1.101(a)(3) indicates that “acquisition guides,” which are presumably the “buying guides,” will be linked to the FAR.⁶⁰

Much around these buying guides remains unclear. As of publication of this PAPER, none have been posted to the RFO website.⁶¹ Presumably, they will be used for acquisition of products and services, but many aspects of acquisition are based on statutes, such as the Competition in Contracting Act,⁶² the Federal Acquisition Streamlining Act,⁶³ and the Procurement Integrity Act.⁶⁴ Will the “buying guides” supplement FAR provisions that are based on those statutes such that there is a “patchwork” of regulations and guidance for certain procurements? Will agencies develop their own buying guides, defeating the purpose of the FAR as a single source for procurement regulations? And perhaps most important, how will industry and the public weigh in, if at all, on the buying guides? None of the RFO website posts to date explicitly state that the buying guides will be subject to public notice and comment.

First Round Of FAR Rewrites: Parts 1, 34, And 52

On May 2, 2025, OFPP and the FAR Council issued the first round of FAR rewrites, covering Parts 1 and 34 and associated clauses in Part 52, along with the previously mentioned deviation guidance for agencies subject to the FAR.

After this PAPER was finalized, on May 22, 2025, OFPP and the FAR Council posted revised Part 10 (Market Research). Notably, the posting included a “Caveat” that states: “The FAR Council created deviations will include clauses and provisions currently required by statute and Executive Order. OMB and the FAR Council will work with Congress to recommend statutory changes and with the White House to recommend rescission of requirements stemming from prior Executive Orders that are inconsistent with the goals of Executive Order 14275 to

stop the inefficient use of American taxpayer dollars in federal procurement. Any changes to Executive Orders or statute will be reflected when the Revolutionary FAR Overhaul turns to rule-making.” If you click on the revised FAR Part 10 text, you will also find a link to a “Practitioner Album.” That album includes a summary of the changes, the FAR Part 10 “Line Out,” “Smart Accelerators” guidance on improving market research, a “Practitioner’s Perspective” on the value of industry days and “form-based RFIs,” and links for the federal acquisition workforce.

Key Changes To FAR Part 1

FAR Part 1 (Federal Acquisition Regulations System) has undergone significant revisions.⁶⁵ In addition to deleting text and shortening various FAR provisions for simplicity and clarity, revised FAR Part 1 includes the following notable changes:

(1) *Revised Guiding Principles, Including Empowered Acquisition Teams*—The updated Part 1 includes revised “guiding principles” for the FAR that emphasize efficiency. Revised Part 1 also seeks to empower the acquisition workforce. For example, one new guiding principle is that “[t]he contracting officer must have the authority, to the maximum extent practicable and consistent with law, to determine how and when to apply rules, regulations, and policies on a specific contract.”⁶⁶ In addition, the revised Part 1 counsels that “acquisition team members may assume that if a specific strategy, practice, policy, or procedure is in the best interests of the Government and is not addressed in the FAR, nor prohibited by law (statute or case law), Executive order or other regulation, then they are allowed to use the strategy, practice, policy, or procedure.”⁶⁷ And “[a]cquisition team members can propose deviations from FAR regulations if the deviation would promote economy, efficiency, or innovation[.]”⁶⁸

(2) *Sunset Provision*—A new FAR 1.109 establishes a four-year expiration date for all non-statutory FAR provisions unless renewed by the FAR Council.⁶⁹

(3) *Streamlined Class Deviation Provision*—Subpart 1.4 (now Subpart 1.3) has been revised to remove NASA and DOD-specific terms and exceptions, simplifying the class deviation provisions.

(4) *Removal of Public Participation Terms*—FAR

Subpart 1.5's public participation provisions have been deleted and replaced with a single sentence in FAR 1.104(d): "If required by 41 U.S.C. 1707, proposed revisions must be published in the Federal Register for public comment."⁷⁰

(5) *Minimal Changes to Former FAR Subparts 1.6 and 1.7*—New Subpart 1.4 (Career Development, Contracting Authorities, and Responsibilities) and new Subpart 1.5 (Determinations and Findings) bear much similarity to their predecessors in former Subparts 1.6 and 1.7.

Key Changes To FAR Part 34

FAR Part 34 (Major System Acquisition) has been significantly streamlined.⁷¹

(1) *Reduced Administrative Requirements*—The requirement for a written acquisition strategy by program managers has been removed.⁷²

(2) *Simplified Procedures*—Sections detailing competition, mission-oriented solicitation, and various contract types (concept exploration, demonstration, full-scale development, and full production) have been eliminated.⁷³

Corresponding Changes To FAR Part 52

Several provisions in FAR Part 52 (Solicitation Provisions and Contract Clauses) have been modified or eliminated.⁷⁴ Deleted provisions include: FAR 52.201-1 (Acquisition 360: Voluntary Survey), FAR 52.234-2 (Earned Value Management System Preaward Integrated Baseline Review), and FAR 52.234-3 (Earned Value Management System Postaward Integrated Baseline Review). Although revised FAR 34.104 states that FAR 52.234-1 (Industrial Resources Developed Under Title III of the Defense Production Act) will become FAR 52.201, the provision retains the same number in revised Part 52, and FAR 52.201 is marked as reserved. FAR 52.234-4 (Earned Value Management System) remains.⁷⁵

Implications For Government Contractors

(1) *Near-Term Uncertainty*—Contractors should prepare themselves for near-term contractual uncertainty. The implementation through individual agency class deviations may create uncertainty regarding which provisions apply to current and upcoming procurements and at

which agencies. Contracting officers may also seek to amend contracts to implement class deviations to existing contracts, even if the new text applies prospectively only; it is not inconceivable that some contracting officers may choose to use the "old" FAR, either. And once the FAR Overhaul is completed, Executive Order 14275 and the RFO website contemplate a process of formally adopting the revised FAR through notice-and-comment rulemaking. Thus, even the rolled-out deviations may change in the final revised FAR.

(2) *Potential for Reduced Administrative Burden*. Longer term, contractors should benefit from reduced administrative burden. Many contractors should benefit from the elimination of non-statutory requirements and streamlined processes. Moreover, removing unnecessary regulations should streamline the procurement process, reducing time to award. Greater flexibility and reduced regulatory constraints could also foster innovative procurement approaches.

(3) *Opportunity To Provide Feedback*—The RFO initiative provides a generationally unique opportunity to weigh in on the entirety of the FAR. Contractors now can provide feedback on the RFO deviations and again through the formal rulemaking process to follow. Contractors should seize this opportunity to make their voices heard.

(4) *Impact of Class Deviations*—On the flip side, the "adopt first, finalize later" approach through class deviations may actually undermine public participation in the rulemaking process by fostering the notion that since the rules are "out there," they cannot or should not be changed. Moreover, some eliminated provisions may have served important oversight functions or protected Government or contractor interests. Even with the roll out of deviations, contractors should take advantage of the opportunity to participate in this unique process.

(5) *Alignment With Commercial Practices*—The initiative aims to better align federal procurement with commercial practices. Lower barriers to entry may attract new commercial vendors to the federal marketplace. For commercial contractors in the marketplace, the RFO provides an opportunity to ensure that the revised FAR reflects commercial practices.

(6) *Variability in Contractual Obligations*—The re-

moval of detailed procedural requirements in favor of flexibility that encourages individual contracting officers to adopt policies and practices that they deem efficient so long as they are not prohibited by law may result in considerable variability in contractual obligations and expectations between agencies and even contracting officers within agencies. Contractors may face an uphill battle challenging actions deemed inequitable or arbitrary if this new contracting officer discretion is treated as broad or unbounded.

(7) *Near-Term Increased Compliance Costs*—With the FAR dramatically revised, contractors will need to update their training, policies, and practices to reflect the new regime. Moreover, contractors will need to include the “buying guides” in their updated training, policies, and practices. With the RFO in flux until final FAR rules are adopted, contractors may find that they need to revise policies, practices, and training frequently. Bottom line, even if the RFO is meant to increase efficiency, contractors may find the transition costly in the nearer term from a compliance perspective.

(8) *Potential Regulatory Instability*—The four-year sunset provision for non-statutory FAR provisions creates potential for regulatory instability and requires contractors to regularly monitor contract modifications or extensions for renewal or elimination of relevant provisions.

Conclusion

Executive Order 14275 and the resulting FAR Overhaul initiative represent the most significant transformation of federal procurement regulations in more than four decades. By streamlining the FAR to focus on statutory requirements and essential procurement principles, the Administration aims to create a more agile, effective, and efficient procurement system.

Guidelines

These *Guidelines* are intended to assist you in understanding the RFO Initiative. They are not, however, intended as or to act as a substitute for legal advice and professional representation in any specific situation.

1. The RFO initiative is ongoing. Contractors should closely monitor the RFO website to see revised FAR Parts

as they are completed and look out for the forthcoming agency buying guides.

2. Do not focus solely on the “line out” documents on the RFO website to see the FAR changes. The “line out” shows only what was deleted, not what was revised or added.

3. Look for agency adoption of each revised FAR Part through agency deviations. These should be adopted within approximately 30 days of each new FAR Part revision.

4. Take advantage of the opportunity to provide feedback on the RFO Parts as they are released. Although the FAR Council and OFPP will not respond to that feedback, that feedback is theoretically supposed to be considered in the finalization of the revised FAR.

5. Take advantage of the opportunity to participate in the notice-and-comment process when the “overhauled” FAR is set for finalization.

6. Consider providing feedback on the buying guides. Since these are not expressly identified for formal rule-making, contractors should be vigilant to identify provisions that should be incorporated into regulations and consider otherwise providing feedback on the guides, even if informally.

7. Prepare for uncertainty. The revised FAR provisions will not be adopted at all agencies at the same pace, may change, and the buying guides are not yet available (and could change at any time since they are not regulations).

8. Anticipate the need for repeated modification of policies, training, and practices as the FAR evolves, the buying guides are released, FAR provisions are “sunset,” and contractors (and contracting officers) become more familiar with the “overhauled” FAR.

ENDNOTES:

¹90 Fed. Reg. 16447 (Apr. 18, 2025).

²See <https://www.acquisition.gov/far-overhaul> (last visited May 19, 2025).

³90 Fed. Reg. 9065 (Feb. 6, 2025).

⁴90 Fed. Reg. 10583 (Feb. 25, 2025).

⁵Exec. Order No. 14219, § 2, 90 Fed. Reg. 10583.

⁶Exec. Order No. 14219, § 3, 90 Fed. Reg. at 10584.

⁷Exec. Order No. 14219, § 2(c), 90 Fed. Reg. 10583.

⁸*Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 400 (2024), overruling *Chevron U.S.A. Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837 (1984).

⁹Exec. Order No. 14219, § 2(a), 90 Fed. Reg. 10583.

¹⁰90 Fed. Reg. 15629 (Apr. 15, 2025).

¹¹Exec. Order No. 14267, § 3(a), 90 Fed. Reg. 15629.

¹²90 Fed. Reg. 15621 (Apr. 15, 2025).

¹³90 Fed. Reg. 16433 (Apr. 18, 2025).

¹⁴Exec. Order No. 14275, § 1, 90 Fed. Reg. 16447 (Apr. 18, 2025).

¹⁵Exec. Order No. 14275, § 1, 90 Fed. Reg. 16447.

¹⁶This report accompanied the introduction of the FORGED Act and was announced in a press release by Sen. Wicker of his plan to “change fundamentally the way the Department of Defense (DOD) does business by getting better weapons to our troops faster and maximizing taxpayer dollars.” See <https://www.wicker.senate.gov/2024/12/senator-wicker-announces-pentagon-reform-and-innovation-proposal> (last visited May 19, 2025) (hereinafter “Restoring Freedom’s Forge”). This announcement has a working link to the text of the FORGED Act, but the link to the accompanying report is not active. A copy of the report is available here: <https://www.dmi-ida.org/knowledge-base-detail/Restoring-Free-doms-Forge-American-Innovation-Unleashed> (last visited May 19, 2025).

¹⁷The interim report and all three volumes of the Section 809 Panel reports are available at: <https://discover.dtic.mil/section-809-panel/> (last visited May 12, 2025).

¹⁸Restoring Freedom’s Forge at 1.

¹⁹Exec. Order No. 14275, § 2, 90 Fed. Reg. 16447.

²⁰Exec. Order No. 14275, § 2, 90 Fed. Reg. 16447.

²¹Exec. Order No. 14275, § 2, 90 Fed. Reg. 16447.

²²Exec. Order No. 14275, § 4, 90 Fed. Reg. at 16448.

²³Exec. Order No. 14275, § 5(a), 90 Fed. Reg. at 16448.

²⁴Exec. Order No. 14275, § 5(b) & (c), 90 Fed. Reg. at 16448.

²⁵See <https://www.acquisition.gov/far-overhaul> (last visited May 19, 2025) (main FAR Overhaul website); <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide> (last visited May 19, 2025) (Completed FAR Parts and FAR Parts Awaiting Overhaul) (last visited May 19, 2025); <https://www.gsa.gov/about-us/newsroom/news-releases/gsa-omb-nasa-dod-launch-revolutionary-far-overhaul-website-05062025>, dated May 6, 2025 (GSA press release re RFO website and effort) (last visited May 19, 2025).

²⁶ <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide> (last visited May 19, 2025).

²⁷See https://feedback.gsa.gov/jfe/form/SV_6eZqHFGAk8TRtOu (last visited May 13, 2025).

²⁸See, e.g., <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-1> (“Part 1 Line Out” box) (last visited May 19, 2025).

²⁹See *id.*

³⁰See [https://www.acquisition.gov/sites/default/files/page_file/uploads/M-25-25 Overhauling the Federal Acquisition Regulation.pdf](https://www.acquisition.gov/sites/default/files/page_file/uploads/M-25-25%20Overhauling%20the%20Federal%20Acquisition%20Regulation.pdf) (last visited May 19, 2025) (hereinafter “OMB Memo M-25-25”).

³¹*Id.*

³²*Id.*

³³*Id.*

³⁴*Id.*

³⁵*Id.*, Appendix.

³⁶Exec. Order No. 14275, § 5(d), 90 Fed. Reg. 16447, 16448 (Apr. 18, 2025).

³⁷See <https://www.acquisition.gov/far-overhaul> (“FAR Streamlining & Deregulation”).

³⁸See https://www.acquisition.gov/sites/default/files/page_file/uploads/FAR-Council-Deviation-Guidance-on-FAR-Overhaul.pdf (last visited May 19, 2025) (hereinafter “FAR Council Deviation Guidance”).

³⁹*Id.* at 2.

⁴⁰*Id.*

⁴¹*Id.*

⁴²*Id.*

⁴³*Id.*

⁴⁴*Id.* at 3.

⁴⁵OMB Memo M-25-25, Appendix at 1.

⁴⁶*Id.*

⁴⁷See https://feedback.gsa.gov/jfe/form/SV_6eZqHFGAk8TRtOu (last visited May 19, 2025).

⁴⁸See OMB Memo M-25-25, Appendix at 2.

⁴⁹*Id.*; see FAR Council Deviation Guidance at 3 (“The Council intends to conduct rulemaking pursuant to the notice and comment process set forth at 41 U.S.C. 1707. Agencies are encouraged to make their class deviations effective until implemented in the FAR.”).

⁵⁰See OMB Memo M-25-25, Appendix at 2.

⁵¹41 U.S.C.A. § 1707(a)(1).

⁵²41 U.S.C.A. § 1707(a)(2).

⁵³41 U.S.C.A. § 1707(d).

⁵⁴41 U.S.C.A. § 1707(e)(1).

⁵⁵It is slightly confusing that the RFO website and associated materials refer to the SAG, but the revised FAR refers to “the Federal Acquisition Regulation System,” see revised FAR 1.000. Although this industry loves its acronyms, this author suggests settling on one name.

⁵⁶OMB Memo M-25-25, Appendix at 2–3.

⁵⁷Id. at 3.

⁵⁸Id.

⁵⁹See <https://www.gsa.gov/about-us/newsroom/news-releases/gsa-omb-nasa-dod-launch-revolutionary-far-overhaul-website-05062025> (last visited May 19, 2025).

⁶⁰See <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-1> (last visited May 19, 2025).

⁶¹See <https://www.acquisition.gov/far-overhaul> (last visited May 19, 2025) (noting “Buying guides coming soon”).

⁶²41 U.S.C.A. §§ 3301 et seq.

⁶³The Federal Acquisition Streamlining Act, Pub. L. No. 103-355, 108 Stat. 3243 (1994) is codified in scattered provisions of Titles 10 and 41 of the United States Code Annotated.

⁶⁴41 U.S.C.A. §§ 2101–2107.

⁶⁵See <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-1> (last visited May 19, 2025).

⁶⁶Revised FAR 1.102(a)(7).

⁶⁷Revised FAR 1.102(b)(4).

⁶⁸Revised FAR 1.102(b)(6).

⁶⁹Revised FAR 1.109.

⁷⁰Revised FAR 1.104(d).

⁷¹See <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-34> (last visited May 19, 2025).

⁷²See generally “Line Out Document,” available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-34> (last visited May 19, 2025).

⁷³See generally “Line Out Document,” available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-34> (last visited May 19, 2025).

⁷⁴See <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-52> (last visited May 19, 2025).

⁷⁵See generally “Line Out Document,” available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-52> (last visited May 19, 2025).

NOTES:

BRIEFING PAPERS