

Primer: FAR Rewrite Strategic Issues for the NCMA Acquisition Efficiency Working Group

Prepared by the [Commerce & Contract Management Institute](#) and reviewed by the [Acquisition Efficiency Working Group](#) to encourage action

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Table of Contents

Introduction	2
Policy Framework and Legal Requirements	2
Executive Order 14275: Restoring Common Sense to Federal Procurement	2
Executive Order 14192: Ten-for-One Deregulation Requirement	2
Current Status of the FAR Rewrite/Overhaul	3
Rulemaking Context	3
Key Structural Questions for the Working Group	4
1. Workforce Interpretation & Application	4
2. Legacy Contracts and Part 52 Clauses	4
3. Part 10 – Market Research Reform	4
4. Part 34 – Scope and Placement.....	5
Rulemaking Process Considerations & Questions	7
Sequencing and Pacing	7
Public Comment Strategy.....	7
Deviation Management	7
Format and Usability of the New FAR	7
Risk: Interpretive Drift and Fragmentation	9
Reimagining Policy Architecture: From Static Documents to Structured Knowledge	10
What We Should Be Considering	10
Key Implications for the Working Group	11
Bottom Line	11
Supporting References	12
Primary Policy Documents	12
Implementation Resources	12

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Introduction

The FAR rewrite is not incremental, it is structural. Prompted by Executive Order 14275, *Restoring Common Sense to Federal Procurement*, this is the first comprehensive overhaul of the Federal Acquisition Regulation since its creation in 1984. The goals are clear: reduce burdens, increase speed, improve competition, and restore usability. Led by OFPP and the FAR Council, the initiative is transforming not only the content of the FAR but also the underlying approach to regulation.

This primer outlines what's underway, where we are now, and the critical questions and opportunities to ensure the rewrite results in a modern, functional procurement framework that endures.

Policy Framework and Legal Requirements

Executive Order 14275: Restoring Common Sense to Federal Procurement

Core Mandate: "The FAR should contain 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."

Primary Requirements:

- Complete FAR amendments within 180 days of April 15, 2025 (due October 12, 2025)
- Implement 4-year sunset provisions for all non-statutory FAR requirements unless renewed
- Coordinate agency implementation of deviations within 30 days of model text release
- Replace eliminated regulatory content with Strategic Acquisition Guidance

Executive Order 14192: Ten-for-One Deregulation Requirement

Per OMB Memorandum M-25-26, Section 5(c), agencies must adhere to the ten-for-one requirement established in Executive Order 14192 when developing new agency supplemental regulations. Specifically, agencies proposing new supplemental FAR regulations must identify at least 10 existing regulations for elimination and ensure the incremental costs of new regulations are offset by elimination of existing regulatory costs from at least 10 prior regulations.

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Current Status of the FAR Rewrite/Overhaul

- **What's been rewritten**

As of July 2025, the FAR overhaul now includes Parts 1, 6, 10, 11, 18, 34, 39, and 43, along with associated Part 52 clauses. These changes expand the reform's reach beyond foundational and market research areas into competition, needs definition, emergency response, IT acquisition, and contract modifications.

- Part 10 has a Practitioner Album that outlines what has been changed, smart accelerators and loose guidance on RFI's and industry days.

- **Buying Guides**

None have been published yet, though they are planned to accompany regulatory changes as informal implementation aids.

- **Strategic Acquisition Guidance (SAG)**

The combination of streamlined FAR text and plain-language Buying Guides will eventually replace most non-statutory rules.

Rulemaking Context

All permanent changes to the FAR must go through formal notice-and-comment rulemaking under the Administrative Procedure Act (APA). This involves:

1. Drafting by specialized FAR teams
2. Consensus through the DAR Council (defense) and CAAC (civilian)
3. Review by the FAR Council and OIRA
4. Publication in the *Federal Register*
5. Response to public comment
6. Final rule issuance and codification

This process typically spans 12–24 months per part, even when mandated by statute. Interim deviation guidance is being used to implement reforms ahead of formal adoption, but its legal weight is temporary and varies by context.

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Key Structural Questions for the Working Group

Workforce Interpretation & Application

- How will we educate the acquisition workforce on the difference between overhauled parts (e.g., Part 10) and untouched parts (e.g., Part 13)?
- Will buyers understand the force and effect of deviation guidance vs. finalized rules?
- What tools or visualizations (e.g., FAR part status dashboards, version trackers) can support comprehension?
 - As Parts 11 and 43 are now overhauled, clear tools are needed to help users determine which clause versions apply and how new structures relate to legacy clause logic. Clause selection pathways (e.g., Part 43) could benefit from visual or decision-tree formats to aid in correct application.

Legacy Contracts and Part 52 Clauses

- Will legacy contracts with old clause language be interpreted by original language or retroactively shaped by new guidance?
- Could process changes tied to deviation adoption result in unintended contractor claims due to scope creep or operational disruption?
- What guidance should be issued to contracting officers regarding mods and clause interpretation?

Part 6 – Competition Requirements

- Do 6.101 and 6.102 duplicate intent with minor wording differences? Both appear to cover “full and open competition,” but their boundaries are blurred. 6.101 focuses on general principles, while 6.102 deals with competition after excluding sources—yet the structure and phrasing are similar enough that users may struggle to differentiate the policies or understand when each applies.
- Does 6.103’s phrasing (“must not be justified”) meet plain writing standards? The phrase introduces unnecessary interpretive complexity. Users expect “must” to signal a required action—not a prohibition—so the compound wording “must not” risks being misunderstood. More direct phrasing such as “may not be justified based on...” could improve clarity.
- Does the flexibility to exclude sources to establish alternatives (6.102-1) align—or conflict—with brand name restrictions in Part 11? 6.102-1 allows an agency to deliberately exclude a source (e.g., an incumbent) to cultivate supplier diversity, but 11.204 prohibits writing requirements tied to a

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brand or feature that limits consideration of other vendors. In some cases, establishing an alternative may necessitate specifying a particular interoperability feature or platform—raising questions about how these two policies interact when market-shaping is the intent.

- **Opportunity**
Structural overlap and conflicting cross-part logic may undermine the rewrite’s intent. Clarifying the distinct purposes of 6.101 vs. 6.102 and reconciling market-shaping exclusions with brand-based limitations would reduce ambiguity and support more strategic competition planning.

Part 10 – Market Research Reform

- Current language still ties mandatory research to dollar thresholds and new requirements. Should that shift?
- Would it be more effective to distinguish between:
 - Targeted market research for new needs
 - Ongoing market surveillance by category/portfolio to inform recurring or lower-dollar buys?
- **Opportunity**
FAR Part 10 still anchors market research to thresholds and new requirements, reinforcing episodic compliance rather than enabling strategic, continuous buying. Failing to mandate ongoing market surveillance by category or portfolio overlooks a chance to reduce fragmented small-dollar buys and unlock significant cost, competition, and performance gains. Where else might we be missing opportunities to rethink our guidance?

Part 11 – Describing Agency Needs

- Does 11.102 appropriately prioritize outcomes-based contracting?
While it encourages function- and performance-based requirements, it still allows “essential physical characteristics” as an equal option. This risks reinforcing prescriptive requirements, especially for legacy buyers. A clearer prioritization—performance first, physical traits only when justified—would better support modern acquisition goals.
- Should 11.201 and 11.203 include short summaries of cited laws (e.g., OMB A-119, 41 U.S.C. 3307(e))?
Currently, these citations are referenced without explanation, forcing users to look up source material to understand the obligation. Even one-line annotations explaining what these laws do—e.g., promoting industry standards or

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authorizing market acceptance criteria—would make the sections more accessible and self-contained.

- Does the current structure clearly explain when market acceptance criteria are appropriate?

11.203 permits requiring proof of market acceptance but offers little guidance on when such requirements are appropriate, how they should be documented, or what constitutes sufficient evidence. Greater clarity would help prevent overly restrictive or inconsistent application.

- Opportunity

The policy direction favors outcomes, commercial alignment, and market awareness—but the structure does not always guide users clearly toward these goals. Prioritizing performance logic, clarifying legal references, and reinforcing standards for market acceptance could make Part 11 significantly more usable.

Part 18 – Emergency Acquisitions

- Is the Emergency Procurement List accessible and usable in time-sensitive situations?

The current structure relies heavily on FAR part cross-references without descriptive context. In an emergency, users may not have time to chase citations. A clearer format—grouped by operational decision points—could enable faster action without compromising compliance.

- Could the list be reorganized by emergency use case to improve decision-making speed?

Grouping items by themes such as “competition waivers,” “registration exceptions,” “flexibility in contract formation,” and “payment/authorization tools” would reflect real-world workflows and make the list more intuitive under pressure.

- Should brief explanatory text be added for each cited authority?

A one-sentence summary per item could make this list far more functional. For example, “6.302-2: Allows limiting competition due to unusual and compelling urgency” gives a user immediate context and next steps.

- Opportunity

This is a strong content area with weak formatting. By restructuring the Emergency Procurement List to reflect decision needs—and layering in concise guidance—the FAR rewrite could turn this from a reference into a rapid response aid.

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Part 34 – Scope and Placement

- Is FAR Part 34 the right home for Defense Production Act (DPA) authorities, or should these be placed exclusively in DFARS?
- Why is “major system” undefined in a part allegedly devoted to that topic?
- The current structure focuses almost entirely on DPA and EVMS, with little else. Should the title or scope be updated to reflect actual content?
- Missed Opportunity
Leaving misaligned content in place risks preserving structural confusion, when the rewrite could establish a more intuitive, mission-aligned policy architecture.

Rulemaking Process Considerations & Questions

Sequencing and Pacing

- The current deviation-first, rule-later model is efficient, but are we moving too fast without adequate field testing?
- Should each new FAR part include a test period, with real-world pilots and data feedback before final rulemaking?

Public Comment Strategy

- Stakeholders, particularly industry and advocacy groups, will not treat deviation guidance with the same attention as proposed rules.
- Should we hold pre-rule listening sessions to gather practical insights before writing final rules?
- Are we prepared for the high volume of formal comment once the notices of proposed rulemaking (NPRMs) begin releasing?

Deviation Management

- Agencies are encouraged to issue deviations within 30 days of model text release. But are they?
- Are deviations being tracked centrally, and are COs clear on whether to use old clauses, new clauses, or hybrids?

Part 39 – Acquisition of Information Technology

- Does 39.101 meaningfully describe the unique risks of IT acquisitions?
The section broadly requires agencies to consider risk, benefits, and cost—but does not explain what kinds of risk are specific to IT (e.g., cybersecurity, platform lock-in, versioning, agile scope instability). The lack of specificity weakens the policy’s practical utility for IT buyers.

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- Should 39.102 open with a concise definition of modular contracting?
The section dives straight into modular contracting as if users already understand the term. A single clear sentence up front—framing it as a method to reduce risk by acquiring IT in interoperable increments—would greatly improve comprehension and adoption.
- Is the section title “Information Technology Services” (39.103) specific enough?
This section limits how COs can define personnel qualifications, yet the title gives no hint of that. A more descriptive title (e.g., “Restrictions on Personnel Requirements in IT Services”) would better guide users scanning the table of contents.
- Are sections such as 39.201 written in a way that supports accessibility and compliance?
The sentence structures are long and nested, which obstructs clarity. In areas where compliance with accessibility laws is critical, simplifying structure and clarifying key actions (e.g., identifying compliant items, linking to documentation) would reduce errors and improve effectiveness.
- Opportunity
Part 39 is positioned to be a model for future-forward acquisition but falls short in clarity and specificity. More precise framing of risk, terminology, and structure could help this part better support digital transformation goals.

Part 43 – Contract Modifications

- Is the documentation guidance in 43.304 overly dense?
The current paragraph outlining when to issue a change order versus a supplemental agreement is presented in a single compound sentence. This structure complicates the distinction between unilateral and bilateral actions and makes it difficult for practitioners to apply consistently. Presenting the conditions as a step-by-step rule or in a table format would improve accuracy and speed.
- Does the clause selection structure in 43.305 (and 43.206) support ease of use?
The structure lists a long sequence of contract types and clause alternates (e.g., 52.243-1 with Alternates I–V), but the lack of visual hierarchy or grouping makes it hard to determine which clause applies in each scenario. This invites errors and slows decision-making.
- Should the clause at 52.243-7 (currently in 43.206) be integrated with other change clauses?
The Notification of Changes clause (52.243-7) is discussed in isolation from the other change clauses, even though it’s relevant to many of the same scenarios.

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Integrating its guidance into a unified clause selection tool—rather than keeping it in a stand-alone section—would improve usability and ensure it is not overlooked.

- Could clause applicability be visualized to support faster, more accurate clause selection?

Yes. Clause applicability across fixed-price, cost-reimbursement, T&M, construction, and R&D contracts (each with its own thresholds and alternates) is a classic decision-tree use case. A visual matrix, flowchart, or digital selector tool could help practitioners quickly determine which clause and alternate apply based on contract type, presence of supplies or services, and dollar threshold. This would dramatically reduce lookup time and misapplication risk.

- Opportunity

Part 43 contains high-frequency, high-impact decisions that affect contract integrity and legal compliance. Yet the current format makes clause selection and change documentation unnecessarily difficult. A visual clause-selection matrix and rule-based decision tool would greatly increase clarity and confidence for both new and experienced acquisition professionals.

Format and Usability of the New FAR

- What form should the final Strategic Acquisition Guidance (SAG) take? Web-native? Searchable PDFs? API-fed digital integration?
- Will users be able to distinguish statutory vs. non-statutory content within a FAR part?
- Should we adopt modular formatting so that overhauled parts are plug-and-play until full codification is complete?

Risk: Interpretive Drift and Fragmentation

Unless addressed directly, there's a real risk of divergence between:

- What the FAR says
- What Buying Guides imply
- What agencies actually implement
- What contractors assume based on outdated materials

A clear, persistent alignment strategy is needed.

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Reimagining Policy Architecture: From Static Documents to Structured Knowledge

The FAR rewrite is more than a regulatory reset—it’s a once-in-a-generation chance to rethink how policy is created, delivered, and consumed. This opportunity goes beyond trimming regulatory text. We must also ask whether the format of policy itself is fit for purpose in an AI-augmented era.

The traditional FAR structure, 53 parts organized around administrative categories, is burdensome for real-world users. Acquisition professionals don’t start with, “Let me review FAR Part X.” They start with, “I need to buy Y.” But today’s policy still expects them to translate practical intent into bureaucratic structure.

As highlighted in the April 2025 article *From Text to Graph: Reimagining Government Policy for the AI Era (Finkenstadt, 2025)*, the core limitation is that the FAR and similar frameworks were built for human interpreters, not machine collaborators. Dense prose and implicit logic are poorly suited to AI systems or to modern user experience design. This isn’t just a formatting problem—it’s a barrier to agility, compliance, and innovation.

What We Should Be Considering

Can we reorganize future Buying Guides or even FAR parts by workflow, portfolio, or mission need rather than administrative topic?

Should core regulatory logic be mapped into a structured form, such as knowledge graphs, to allow for dynamic policy delivery and AI-ready applications?

How do we ensure every policy decision point is traceable, contextualized, and consumable by both humans and machines?

We don’t have to implement GraphRAG¹ or full semantic encoding today. But we should begin designing for that future:

FROM	TO
Long, linear documents	Navigable knowledge structures
Manual cross-referencing	Explicit entity-relationship mappings
Static logic	Dynamic, context-aware application
Interpretation-heavy guidance	Condition-based traceability and support
One-size-fits-all prose	Role-, value-, or need-based modular formats

¹ RAG (Retrieval-Augmented Generation) enhanced to enable more comprehensively structured and contextual data retrieval beyond basic text-based retrieval - <https://www.geeksforgoeks.org/what-is-graphrag>

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Key Implications for the Working Group**1. Information Design**

If the FAR rewrite simply recreates static PDFs in plain language, we're not solving the structural issue. Buying Guides and SAG content should be designed for search, filter, and dynamic delivery, not passive reading.

2. Workforce Capability

Over time, this shift will demand new skills: policy analysts who think in terms of entities and conditions, not just paragraphs. Procurement educators will need to train practitioners in navigating systems, not just reading rules.

3. Governance and Rulemaking

We must remain legally compliant. Reformatting logic into a machine-consumable format should not be confused with rewriting regulatory meaning. But if the structure changes how rules are interpreted, we may cross into formal rulemaking territory.

4. Trust and Auditability

Structured policy improves audit trails, reduces ambiguity, and enables AI explainability. This isn't speculative, it's already being piloted in private-sector procurement and tax systems. Government must catch up.

Bottom Line

The FAR rewrite is not just a cleanup. It is meant to be a foundation for how the government will encode and execute policy in the AI era.

Supporting References

- Finkenstadt, D. J. (2025, April 16). *From text to graph: Reimagining government policy for the AI era*. LinkedIn. <https://www.linkedin.com/pulse/from-text-graph-reimagining-government-policy-ai-era-finkenstadt-niyve/>

Primary Policy Documents

- Executive Order 14275: Restoring Common Sense to Federal Procurement (April 15, 2025)
- Executive Order 14192: Unleashing Prosperity Through Deregulation (January 31, 2025)
- OMB Memorandum M-25-26: Overhauling the Federal Acquisition Regulation (May 2, 2025)

Implementation Resources

- Revolutionary FAR Overhaul website (Acquisition.gov) for deviation guidance and progress tracking
- Current deviation guidance for Parts 1, 6, 10, 11, 18, 34, 39, and 43, along with associated Part 52 clauses
- Administrative Procedure Act requirements (41 U.S.C. § 1707) for formal rulemaking
- Emergency Procurement List

Community Feedback

The Acquisition Efficiency Working Group seeks your comments and questions to continue to advance.

[Submit Comments and Questions](#)

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