



PROCUREMENT MEMORANDUM 2025-06

ACTION

MEMORANDUM FOR: Senior Bureau Procurement Officials

FROM: Olivia J. Bradley
Senior Procurement Executive and
Director for Acquisition Management

SUBJECT: Implementing Executive Order 14271, “Ensuring Commercial, Cost-Effective Solutions in Federal Contracts”

Background

On April 15, 2025, the President issued Executive Order 14271, entitled “Ensuring Commercial, Cost-Effective Solutions in Federal Contracts.” This Executive Order requires that each agency shall procure commercially available products and services, including those that can be modified to fill agencies’ needs, to the maximum extent practicable, including pursuant to the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355, as amended) (FASA). When an agency proposes to solicit a non-commercial product or service the Senior Procurement Executive shall review and approve or deny the proposed action in writing.

Purpose

This procurement memorandum provides standard guidance for processing reviews and approvals for solicitations and contracts¹ for non-commercial products or services².

Required Actions

1. Pending Actions: No later than June 14, 2025, contracting officers shall conduct a review of all open solicitations, pre-solicitation notices, solicitation notices, award notices, and sole source notices for non-commercial products or services and submit the following information to the Senior Procurement Executive at OAM_Mailbox@doc.gov:
 - a. Description of the proposed procurement (i.e. Statement of Work, Performance Work Statement, Statement of Objectives);
 - b. Market research; and

¹ “Contracts” has the meaning as defined in FAR 2.101 and includes blanket purchase agreements, orders under blanket purchase agreements, and orders under indefinite delivery, indefinite quantity contracts.

² While Construction and Architect-Engineer contracts awarded in accordance with FAR Part 36 do not follow FAR Part 12, *Acquisition of Commercial Products and Commercial Services*, FAR Part 36 incorporates provisions and clauses that are generally consistent with customary commercial practices in the construction industry. Therefore, if market research deems the construction services to be commercially available, then the contract does not need to be approved in accordance with this memorandum.

- c. The rationale for pursuing a Government-unique, custom-developed or otherwise non-commercial product or service.

Contracting officers shall allow for a 30-calendar day review process and shall not proceed with the action until approval has been granted by the Senior Procurement Executive.

- 2. New Requirements: Contracting officers shall submit the following information to the Senior Procurement Executive at OAM_Mailbox@doc.gov prior to issuing a solicitation for non-commercial products or services or prior to contract award if an action does not require a solicitation (sole source, etc.):
 - a. Description of the proposed procurement (i.e. Statement of Work, Performance Work Statement, Statement of Objectives);
 - b. Market research; and
 - c. The rationale for pursuing a Government-unique, custom-developed or otherwise non-commercial product or service.

Contracting officers shall allow for a 14 business (18 calendar) day review process for new requirements and shall not proceed with the action unless approval has been granted by the Senior Procurement Executive.

Review and Approval

The Senior Procurement Executive shall assess each proposed contract action for compliance with FASA, including the sufficiency of the market research and make appropriate recommendations to advance the solicitation of commercial products or services where those products or services would be sufficient to serve the applicable procurement needs. The Senior Procurement Executive shall approve or deny the proposed action.

Reporting

Within 120 calendar days of the date of Executive Order 14271 and annually thereafter, the Senior Procurement Executive shall provide a report to the Director of the Office of Management and Budget (OMB) detailing the Department's compliance with FASA and its progress toward implementing the policies of the Executive Order.

Effective Date

This Procurement Memorandum is effective immediately and remains in effect until rescinded.

Questions

Please direct any questions regarding this process to OAM_Mailbox@doc.gov.