



PROCUREMENT MEMORANDUM 2025-09

ACTION

MEMORANDUM FOR: Senior Bureau Procurement Officials

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

SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 10 in Support of Executive Order on Restoring Common Sense to Federal Procurement

Background

On May 2, 2025, the Federal Acquisition Regulatory Council (the Council) issued a memorandum entitled, “Deviation Guidance to Support the Overhaul of the Federal Acquisition Regulation,” to provide guidance to agencies to support the issuance of FAR deviations to implement Executive Order 14275, “Restoring Common Sense to Federal Procurement,” and OMB Memorandum M-25-25, “Overhauling the Federal Acquisition Regulation.” This guidance states that agencies should issue agency-specific class deviations within 30 days after the Council has released class deviation text on [acquisition.gov](https://www.acquisition.gov). On May 22, 2025, the Council released deviated language for FAR Part 10.

FAR Part 10, concerning Market Research, has been updated to offer acquisition teams more flexibility in their research methods:

- Greater flexibility in techniques: The FAR no longer lists specific market research considerations or techniques that must be used.
 - You have the flexibility to choose the market research method that best fits your needs. For example, you might host a reverse industry day or expert panel. This allows industry experts to share their perspectives, commercial practices, and experiences with the acquisition team.
 - For more information on reverse industry days, and to read about more good market research techniques, check out the “Smart Accelerators” in the Practitioner Album available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul).
- Competition requirements remain: Acquisition professionals must still comply with the Competition in Contracting Act (CICA) (41 U.S.C. § 3301 et seq), which may necessitate market research.

- Flexibility at all dollar values: Acquisition professionals can apply market research concepts to procurements of any size.
- While FAR clause 52.210-1 Market Research is not required by statute, across Government, it has been retained as essential to the acquisition process.

Statutory requirements retained in the FAR Part 10 model deviation include, but are not limited to, the following:

- 10 U.S.C. §3453, Preference for Commercial Products and Commercial Services
- 41 U.S.C. §3306, Planning and Solicitation Requirements
- 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services
- 41 U.S.C. § 1703 note, Effective Communication Between Government and Industry; inclusive of 41 U.S.C. § 3301 et seq and 41 U.S.C. § 2101 et seq.

Purpose

This class deviation is issued in accordance with FAR 1.304 and pursuant to the OFPP memo entitled, “Deviation Guidance to Support the Overhaul of the Federal Acquisition Regulation,” to provide contracting officers with revised FAR Part 10 language.

Required Actions

Effective immediately, contracting officers shall comply with the deviated FAR text found in Attachment A.

Effective Date

This deviation is effective immediately, and remains in effect until rescinded or incorporated into the FAR.

Questions

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

Attachment A – FAR Deviation Text