



PROCUREMENT MEMORANDUM 2026-02

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 7 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-25-26, “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 September 4, 2025, the Council released deviated language for FAR Part 7.

FAR Part 7, Acquisition Planning, is streamlined to emphasize flexibility and move away from prescriptive checklists in favor of a dynamic planning process. The deviation recognizes the distinctions between task and delivery orders and award of new contracts, requiring appropriate acquisition planning for each. The placing of task and delivery orders is a faster and more streamlined process with significantly less pre-award actions required than in awarding new contracts. The level of detail should vary with the size and complexity of the acquisition. The deviation to part 7 also picks up on requirements previously found in FAR 10 to ensure small business concerns are appropriately considered. Requirements for bundling, substantial bundling, and consolidation are unified to ensure common consideration of any potential negative impact on small business. While there is no longer a requirement for acquisition plans with specific elements, there should still be forethought in what is being procured. Having a plan is key to ensuring the guiding principles of the acquisition system are met. By emphasizing early engagement, this change creates more opportunities to foster innovation and achieve successful results, reflecting a shift toward a more agile and strategic approach.

Statutory requirements and executive requirements retained in the FAR Part 7 model deviation include, but may not be limited to, the following:

- 41 U.S.C. §§ 3301 et seq, Planning and Solicitation
- 10 U.S.C. § 3453, Preference for Commercial Products and Commercial Services
- 15 U.S.C. § 657q, Consolidation of Contract Requirements
- 15 U.S.C. § 644, Awards or Contracts
- Pub. L. 115-254, Sec 555, Cost-Effectiveness Analysis of Equipment Rental
- OFPP Policy Letter 11-01, Performance of Inherently Governmental and Critical Functions

Purpose

This class deviation is issued in accordance with 48 CFR 1.4 and Revolutionary FAR Overhaul (RFO) FAR 1.304, pursuant to the Council's memo entitled, "Deviation Guidance to Support the Overhaul of the Federal Acquisition Regulation," to provide contracting officers with revised FAR Parts 7 and 52 language.

Required Actions

Upon effective date contracting officers shall comply with the deviated FAR text found in Attachment A.

- A. When issuing new solicitations or contracts, contracting officers shall not include the following provisions and clause:
 - 52.207-1 Notice of Standard Competition
 - 52.207-2 Notice of Streamlined Competition
 - 52.207-3 Right of First Refusal of Employment
- B. For open solicitations or awarded contracts, the Contracting Officer has discretion regarding the need to enforce or amend these provisions and clauses.

Effective Date

This deviation shall be effective December 15, 2025, and remains in effect until rescinded or incorporated into the FAR. Contracting officers may choose to use the deviated FAR text immediately.

Questions

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

Attachment A – FAR Deviation Text