



Federal Election Commission (FEC)

MEMORANDUM

Date: June 18, 2025

From: De'Shelle Williams
Director of Procurement and Senior Procurement Officer,
Office of Procurement
Office of the Chief Financial Officer (OCFO)

SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation (CD) No. 2025-03 in Support of Executive Order (EO) 14275, "Restoring Common Sense to Federal Procurement;" Deviation to FAR Parts 1 Federal Acquisition Regulations System, Part 10 Market Research, Part 34 Major System Acquisition, and Contract Clauses. Deviation texts are available at <https://www.acquisition.gov/far-overhaul>.

Findings:

On April 15, 2025, President Donald J Trump issued Executive Order (E.O.) 14275, *Restoring Common Sense to Federal Procurement*. Section 2 of the E.O. establishes the policy that the FAR "should only contain provisions required by statute or essential to sound procurement, and any FAR provisions that do not advance these objectives should be removed."

The FAR is being updated to:

- Remove language not required by statute
- Remove duplicative or outdated language
- Clarify or provide more plain language
- Revise language for the new FAR framework
- Retain language necessary for governmentwide acquisition standards.

This project is referred to as the Revolutionary FAR Overhaul (RFO).

The OMB memorandum M-25-26 established a two phased approach to implementing enterprise deregulation as follows: Phase one, FAR Council deviation guidance, and phase two, formal rulemaking. Phase one involves the FAR Council issuing guidance on a rolling basis with clear, plain language model deviation text organized by FAR part. The goal is streamlining the regulation by aligning it more closely to its statutory base. According to the memorandum, agencies should adopt this model deviation text within 30 days after the model deviation text is released by issuing either individual or class deviations.

The RFO FAR Part 1 model deviation text establishes guiding principles. Statutory requirements retained in the FAR part 1 model deviation text include, but are not limited to, the following:

- 31 United States Code (U.S.C.) 3702- Authority to Settle Claims
- 41 U.S.C. 13 et seq- Acquisition Councils

- 41 U.S.C. 17 et seq- Agency Responsibilities and Procedures
- 41 U.S.C 1908- Inflation Adjustment of Acquisition Thresholds
- 41 U.S.C. 3102- Delegation and Assignment of Powers, Functions, and Responsibilities.

Non-statutory requirements removed from FAR Part 1 include, but are not limited to:

- The list of Office of Management and Budget (OMB) approved control numbers. These are now listed on Acquisition.gov.
- Subpart 1.2- Administration
- Subpart 1.5- Agency and Public Participation procedures

Other key changes include:

- Class deviations require approval by the FAR Council for FAR class deviations except those required to implement agency-specific executive or statutory direction.

The RFO FAR Part 10 concerns market research. The RFO part 10 model deviation text offers acquisition teams more flexibility in their research methods. Statutory requirements retained in the FAR part 10 model deviation text 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.

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.

FAR clause 52.210-1 Market Research, in solicitations and contracts for noncommercial acquisitions over \$6 million is not required by statute but has been retained as essential to the acquisition process.

Non-statutory requirements removed from FAR part 10 include, but are not limited to:

- Requirements to consider various issues in market research, including consolidation or bundling procurement (Content stemming from 15 U.S.C. 644(e) and 15 U.S.C. 657(q) is mandatory, however the requirement is covered in FAR part 7).
- Requirements for disaster relief purchasing (Content stemming from 6 U.S.C. 796 is mandatory, however the requirement is covered in FAR part 26).

Summary of Changes. FAR Part 10 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.
- Flexibility at all dollar values: Acquisition professionals can apply market research concepts to procurements of any size.

The RFO FAR Part 34 describes acquisition policies and procedures for use in acquiring major

systems consistent with OMB Circular No. A-109; and the use of an Earned Value Management System (EVMS) in acquisitions designation as major acquisitions consistent with OMB Circular A-11, part 7.

The RFO Part 34 model deviation text retains FAR subparts 34.1 and 34.2

- 50 U.S.C. 4531 et seq

Non-statutory requirements removed from FAR part 34 include

- The general guidance provided in sections 34.001 through 34.005.

Determination:

Effective immediately: In accordance with 48 CFR 1.4, FEC Contracts Operating Procedure, E.O. 14275, FAR 1.304, and OMB Memorandum [M-25-26](#) is approved for use by all FEC Contracting Officers and will remain in effect until it is incorporated into the FAR or is otherwise rescinded, whichever occurs first.

Points of Contact. Questions regarding this class deviation may be directed to the Federal Election Commission Procurement Division at dwilliams@fec.gov.

De'Shelle Williams
Director of Procurement

Attachments:

- (a) [OMB Memorandum M-25-26](#)
- (b) [E.O 14275](#)
- (c) [FAR part 1 model deviation text](#)
[FAR Overhaul - Part 1 | Acquisition.GOV](#)
- (d) [FAR part 10 model deviation text](#)
[FAR Overhaul - Part 10 | Acquisition.GOV](#)
- (e) [FAR part 34 model deviation text](#)
[FAR Overhaul - Part 34 | Acquisition.GOV](#)