



## U.S. Department of Justice

### Justice Management Division

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*Washington, D.C. 20530*

#### MEMORANDUM FOR BUREAU PROCUREMENT CHIEFS

**FROM:** William N. Taylor II  
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for Policy, Management, and Procurement  
Senior Procurement Executive

**SUBJECT:** Class Deviation from the Federal Acquisition Regulation (FAR) Part 7 in support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

#### 1. **PURPOSE**

This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) Part 7 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 7 available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-7>.

#### 2. **BACKGROUND**

Executive Order (E.O.) 14275, Restoring Common Sense to Federal Procurement, signed April 15, 2025, mandates a comprehensive review and simplification of the FAR. The FAR is being updated to:

- Eliminate non-statutory language
- Remove redundant or obsolete language
- Enhance clarity through plain language
- Align with the new FAR framework
- Preserve essential governmentwide acquisition standards

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

#### 3. **SUMMARY OF CHANGES**

FAR Part 7, concerning acquisition planning, is streamlined to emphasize flexibility and move away from prescriptive checklists in favor of a dynamic planning process. A high-level summary of the content updates, additions, and removals is as follows:

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.

The following items are updated or retained:

- Statutory and presidential directives:
  - 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
- Updated: In section 7.000, “Scope of Part”, para (a) is revised from "Developing acquisition plans" to "Acquisition planning and developing acquisition plans". This broadens the scope to encompass the entire planning process, not just the act of creating a document.
- Retained: The definitions at 7.101, “Definitions”, are retained and most have been simplified to improve clarity.
- New: Section 7.102, is renamed “Requirements” and establishes the fundamental requirement for acquisition planning in all acquisitions. It mandates that agencies establish procedures for determining whether a written or oral plan is needed and lists high-level outcomes that planning must promote:
  - Acquisition of commercial products or services
  - Full and open competition
  - Selection of appropriate contract type
  - Use of existing contracts
    - Note - Although 7.102 gives agencies discretion in establishing procedures for written or oral plans, 7.102(d) retains the requirement to use a written plan for cost reimbursement and other high-risk contracts.
- Updated: Section 7.103, “Agency-head Responsibilities”, is updated from a long list of

specific tasks to a list of high-level responsibilities, such as creating streamlined procedures for different acquisition types (e.g., orders, commercial products and services), establishing criteria for high-risk contracts, and ensuring small business opportunities are considered.

- Updated: Section 7.104, “General Procedures”, is updated to highlight that early planning can create opportunities to structure the procurement approach in a way that promotes competition and innovation.
  - Practitioners should review the FAR Companion for best practices for innovative acquisition planning techniques.
- Updated: Section 7.107, “Additional Requirements for Acquisitions Involving Consolidation, Bundling, or Substantial Bundling”, is updated to streamline and standardize the analysis, determination, and notification requirements – there are no longer separate requirements for each, with the goal of ensuring this important step in the acquisition process is understood by the workforce.
  - 7.107-1(a) retains the requirement for market research before conducting an acquisition that consolidates or bundles requirements.
- Updated: Section 7.108, “Additional Requirements for Teleworking”, is updated to reflect modern terminology and simplified language. For example, the term “telecommuting” has been updated to “teleworking”.
- Updated: Section 7.403, formerly titled "General Services Administration Assistance and OMB Guidance," has been retitled "OMB Guidance". Paragraphs (a) and (b) of the former section, which described the types of assistance available from GSA, have been removed. The content of the former paragraph (c), which provides references to relevant OMB circulars, has been retained and updated with new hyperlinks. The removal of the GSA assistance information streamlines the text by deleting content that is informational rather than regulatory. The process agencies use to perform a lease-versus-purchase analysis remains intact in clause 52.207-5.
- Retained: Subpart 7.5, “Inherently Governmental Functions”, is retained and revised for clarity and readability, primarily through plain-language edits and structural reorganization.
- Retained clauses and provisions, with no changes in text:
  - 52.207-4 Economic Purchase Quantity—Supplies
  - 52.207-5 Option To Purchase Equipment
  - 52.207-6 Solicitation of Offers from Small Business Concerns and Small Business Teaming Arrangements or Joint Ventures (Multiple-Award Contracts)

The following items have been removed:

- Section 7.105, “Contents of Written Acquisition Plans” is removed and marked “Reserved.” Relevant content will be reflected in the FAR Companion.
- Section 7.200, “Scope of Subpart” regarding economic quantities of purchases, has been deleted and marked “Reserved” as it is unnecessary.
- Section 7.204, “Responsibilities of Contracting Officers” has been deleted as the content is covered by FAR 52.207-4.
- Subpart 7.3, “Contractor Versus Government Performance”, and its underlying sections have been deleted and marked “Reserved” as Congress has consistently placed a statutory

hold on A-76 competitions since 2008.

- The following clause and provisions are removed:
  - 52.207-1 Notice of Standard Competition
  - 52.207-2 Notice of Streamlined Competition
  - 52.207-3 Right of First Refusal of Employment

#### **4. AUTHORITY**

This class deviation is issued under the authority of [E.O. 14275](#), [OMB M-25-26](#), and RFO FAR 1.304.

#### **5. DEVIATION**

The DOJ acquisition workforce must follow the RFO Part 7 model deviation text instead of FAR Part 7 as codified at 48 CFR Chapter 1. The Council's RFO Part 7 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-7>.

Where applicable, include the revised Part 7 provision and clause deviations, at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-52> in lieu of the standard versions. For open solicitations or awarded contracts, the Contracting Officer has discretion regarding the need to enforce or amend the clause.

When issuing new solicitations and contracts do not include the clauses noted below in solicitations and delete the following clauses in existing contracts:

- 52.207-1 Notice of Standard Competition
- 52.207-2 Notice of Streamlined Competition
- 52.207-3 Right of First Refusal of Employment

#### **6. EFFECTIVE DATE AND EXPIRATION**

This class deviation is effective November 3, 2025, and remains in effect until rescinded or incorporated into the FAR.

#### **7. SCOPE AND APPLICABILITY**

This class deviation applies to all DOJ procurements.

#### **8. ADDITIONAL INFORMATION**

If you have questions, please contact [DOJAcquisitionPolicy@usdoj.gov](mailto:DOJAcquisitionPolicy@usdoj.gov).

#### **9. ATTACHMENTS**

None.