

Transition – A Presidential Change Update

June 2025

FAR 2.0: More Than Just Revisions in FAR Part 10 Release

Key Notes:

- FAR Part 10 gets a major overhaul to simplify market research.
- New regulations push agencies to engage industry and favor commercial solutions.

In our previous client [alert](#) on [Executive Order 14275](#) (EO), *Restoring Common Sense to Federal Procurement*, we examined class deviations issued for FAR Parts 1 and 34. The FAR Council has continued its reform efforts under the Revolutionary FAR Overhaul (RFO) by releasing revisions to FAR Part 10, which governs market research practices across federal acquisition. In this third client alert in our series, we discuss the changes to FAR Part 10, which aim to streamline and strengthen market research efforts while easing regulatory burdens on agencies and contractors.

FAR Part 10 — Market Research

Sections FAR 10.001 and 10.002, which previously outlined when and how federal agencies should conduct market research, have been consolidated into a single streamlined section: FAR 10.001, “Market research requirements.” The revised section eliminates several provisions and simplifies the compliance framework. Agencies are now required only to:

1. Describe their legitimate needs; and
2. Conduct market research appropriate to the acquisition’s scope and complexity before drafting new requirements, soliciting offers above the simplified acquisition threshold, or issuing task or delivery orders above that threshold.

Several provisions in FAR Part 10 were removed for being “outdated, redundant, or otherwise unnecessary.” For instance, requirements for agencies to consult with small business specialists, notify small business incumbents when considering consolidation or bundling, and coordinate with Small Business Administration (SBA) representatives were eliminated. These obligations remain in effect under FAR Part 7. Accordingly, all references to small businesses were removed from FAR Part 10. While this may raise initial concerns, it’s essential to note that FAR Part 7 continues to govern market research and justification requirements related to bundling, and FAR Part 19 still outlines the SBA’s small business programs and subcontracting rules.

Key Additions

FAR Part 10.001 introduces several updates aimed at modernizing and simplifying market research. Notable additions include:

- **FAR 10.001(c):** Agencies are encouraged to engage in “responsible and constructive” exchanges with industry, provided such interactions do not violate procurement integrity rules or create unfair competitive advantages.
- **FAR 10.001(d):** Agencies must limit information requests to only what is necessary, reducing administrative burdens on contractors and streamlining early acquisition planning.
- **FAR 10.001(f):** Agencies must procure commercial solutions “to the maximum extent practicable” using a hierarchical approach that prioritizes existing governmentwide contracts and commercial availability before exploring non-developmental or customized solutions. Agencies must consider, in descending order

of priority, whether:

1. A commercial product or service on an existing governmentwide contract satisfies the need;
2. The requirement can be modified to use an existing contract;
3. A commercial product or service is available outside existing contracts;
4. A commercial product or service can be modified to meet the requirements; or
5. A non-developmental item is necessary.

The revised FAR Part 10 retains the requirement to include clause 52.210-1 (Market Research) for noncommercial acquisitions exceeding \$6 million, now with an explicit reference to its statutory authority under 10 U.S.C. 3453(c). This FAR clause continues to require contractors to assess the availability of commercial products or services before awarding any noncommercial subcontracts. Beyond the regulatory revisions, the release of FAR Part 10 included additional guidance, resources, and important caveats for the industry to consider.

Opportunity for Public Feedback

The FAR Council is accepting public comments on the revised FAR Part 10 until **July 6, 2025, at noon EST**. While individual responses to comments will not be provided, the input will be considered during the formal rulemaking process.

New Resources

The RFO website now features a [Practitioner Album](#) for FAR Part 10, offering a comprehensive set of tools to support the implementation of the revised regulations. Resources include a summary of changes, redlined revisions, Smart Accelerators guidance for conducting market research, practitioner insights on effective industry engagement, and links to continuous learning content for the federal acquisition workforce.

Policy Caveats

Alongside the revised FAR Part 10 regulations, the RFO website now features a “Caveat” statement. It clarifies that while the FAR Council’s proposed deviations reflect current statutory and Executive Order requirements, the FAR

Council and OMB intend to recommend changes to statutes and rescind conflicting Executive Orders in alignment with EO 14275. The final rulemaking phase will incorporate any resulting updates.

While these proposed revisions to FAR Part 10 may appear modest, they still represent meaningful progress toward a more efficient procurement process. Our [Government Contracts](#) practice group will continue monitoring the release of updated regulations and any corresponding legislative or executive actions.

FOR MORE INFORMATION

For more information, please contact:

Francis E. (Chip) Purcell, Jr.

202.263.4118

Chip.Purcell@ThompsonHine.com

Edward T. DeLisle

202.973.2725

Edward.DeLisle@ThompsonHine.com

Jamar T. King

937.443.6852

Jamar.King@ThompsonHine.com

Matthew R. Kissling

216.566.5586

Matthew.Kissling@ThompsonHine.com

Ryan S. Spiegel

202.973.2742

Ryan.Spiegel@ThompsonHine.com

Joseph R. Berger

202.263.4193

Joseph.Berger@ThompsonHine.com

Kathryn Pettit*

610.304.0987

Kathryn.Pettit@ThompsonHine.com

Andrés M. Vera

202.973.2795

Andres.Vera@ThompsonHine.com

Amaiya Johnson

202.973.2762

Amaiya.Johnson@ThompsonHine.com

or another member of our [Government Contracts](#) group.

**Kathryn is not admitted to practice in the District of Columbia; she is admitted only in New Jersey and Pennsylvania. Her work is supervised by principals of the firm.*

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