

Transition – A Presidential Change Update

September 2025

FAR 2.0: Key Revisions to Parts 12, 18, and 39

Key Note:

- Overhauled FAR Parts 12, 18, and 39 introduce new considerations and streamlined guidance in federal acquisitions.

In our previous client [alert](#) on [Executive Order 14275](#) (EO), *Restoring Common Sense to Federal Procurement*, we examined the overhauled Federal Acquisition Regulation (FAR) Parts 6 and 11. The FAR Council is continuing its comprehensive and far-reaching Revolutionary FAR Overhaul (RFO), releasing revised parts in batches at a steady pace. As part of our ongoing coverage of the RFO, this alert examines how recent revisions to FAR Parts 12, 18, and 39 are reshaping the government’s approach to acquiring goods and services.

FAR Part 12 – Acquisition of Commercial Products and Commercial Services

The revised [FAR Part 12](#) consolidates six subparts into four: 12.1 (Presolicitation), 12.2 (Solicitation, Evaluation, and Award), 12.3 (Post-Award), and 12.4 (Micro-purchases).

A key substantive change is the relocation of Simplified Acquisition provisions from FAR Part 13 to FAR Part 12. The streamlined procedures apply to procurements up to \$7.5 million, with a potential increase to \$15 million when the agency head determines that the commercial products or services will be used under certain emergency-related circumstances.

In alignment with revisions to FAR Part 8, Subpart 12.2 requires agencies to procure commercial products or

services from a priority source identified in FAR Part 8, such as government-wide acquisition contracts, if such sources meet agency needs.

Additional Notable Changes

The new Section 12.201 (Solicitation Procedures) encourages agencies to employ “additional innovative approaches” when soliciting quotations and issuing purchase orders to:

- Reduce administrative costs and lead time;
- Expand opportunities for small businesses;
- Promote efficiency and economy in contracting; and
- Avoid unnecessary burdens for agencies and contractors.

Section 12.203 (Evaluation) describes the process of evaluating quotations. To ensure that quotations and offers are “evaluated in an efficient and minimally burdensome fashion,” contracting officers are granted broad discretion to use “good business judgment” in deciding whether to accept untimely quotations and to establish evaluation procedures for quotations.

These changes highlight greater reliance on contracting officer discretion and signal a shift toward broader use of commercial practices and faster procurements.

FAR Part 18 – Emergency Acquisitions

The revised [FAR Part 18](#) is condensed into two sections: 18.001 (Scope) and 18.002 (Emergency Acquisitions). Many prior subparts addressing contracting methods, techniques,

and approval requirements for emergency acquisitions were either relocated or removed.

Acquisition Flexibilities

FAR 18.001(a) outlines flexibilities available to contracting officers for emergency acquisitions and emphasizes the use of these flexibilities to quickly respond to urgent needs.

The available flexibilities are compiled in the [Emergency Procurement List](#). This list references several of the removed contracting methods and techniques, including:

- Use of Federal Supply Schedules, Blanket Purchase Agreements, and Indefinite Delivery Contracts;
- Awards to Socioeconomic Small Businesses; and
- Extraordinary Contractual Actions.

Micro-purchase and Simplified Acquisition Thresholds

FAR 18.001(b) provides five circumstances where thresholds may be raised by the agency head, including to:

- Support a contingency operation;
- Respond to or recover from cyber, nuclear, biological, chemical, or radiological attacks against the United States;
- Support a request from the Secretary of State or the Administrator of the United States Agency for International Development to help provide international disaster assistance as described in 22 U.S.C. 2292 et seq.;
- Respond to an emergency or major disaster; or
- Support a humanitarian or peacekeeping operation using a contract to be awarded and performed, or a purchase to be made, outside the United States. Only the simplified acquisition threshold may be adjusted; the micro-purchase threshold remains unchanged.

Additional Notable Changes

Section 18.001(d) permits emergency acquisitions of supplies or services to be treated as commercial acquisitions where the agency head determines they are needed to respond to specified attacks.

The FAR Part 18 [Practitioner Album](#) also encourages contracting officers to reach an “on-the-spot consensus” in evaluating offers, prioritizing speed and efficiency over detailed documentation.

As agencies shift toward a faster-paced and agile procurement process, federal contractors should expect faster-paced emergency awards and familiarize themselves with agency-specific deviations.

FAR Part 39 – Acquisition of Information and Communication Technology

[FAR Part 39](#) has been renamed from “Acquisition of Information Technology” to “Acquisition of Information and Communication Technology (ICT).” The [Practitioner Album](#) explains that the change reflects a broader scope that includes ICT and “new and emerging technologies,” such as “Internet of Things” (IoT) devices.

FAR Part 39 is restructured into three phases of the acquisition process: Pre-solicitation, Evaluation and Award, and Post-Award.

Subpart 39.1 – Pre-solicitation Phase

- Focuses on risk management (rather than risk avoidance), modular contracting, restrictions on minimum experience/education requirements for contractor personnel unless certain elements are present, and consideration of statutory accessibility standards.

Subpart 39.2 – Evaluation and Award Phase

- Clarifies that confirmation of an exception (39.104-4) or determination of an exemption (39.104-5) to ICT accessibility standards is not required before awarding indefinite-quantity contracts.

Subpart 39.3 – Post-Award Phase

- Explains that when issuing a task order or delivery order under an indefinite-quantity contract, the requiring activity and ordering activity must ensure compliance with the ICT accessibility standards.

For contractors, it is critical to explain how the offered ICT services will meet accessibility requirements, as exceptions or exemptions may not apply.

The revisions to FAR Parts 12, 18, and 39 underscore the FAR Council’s broader push toward streamlined processes, greater reliance on contracting officer discretion, and

alignment with modern procurement practices. For contractors, these changes mean adapting to faster timelines, demonstrating compliance with evolving standards—particularly around ICT accessibility—and preparing for broader use of commercial and emergency acquisition flexibilities. As the RFO continues to roll out in phases, staying current on these updates will be critical to remaining competitive in the federal marketplace.

Our [Government Contracts](#) group will continue to provide updates and analysis as additional FAR revisions are released.

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