National Aeronautics and Space Administration

Breakout Session #4 - Through the Lens of a CO: The Revolutionary FAR Overhaul and Small Business Things to Know

Adrian Clayton, Acting JSC Deputy Director of the JSC Office of Procurement
Suzan Thomas, Team Lead – JSC Office of Procurement

2026 NASA OSBP Engagement:
L.I.F.T.: Leveraging Industry and Supply Chains for Future Technology

Space Center Houston
September 15, 2026

Agenda

- Overview of the Revolutionary FAR Overhaul (RFO)
- Where to find RFO Resources?
- What has changed that is of interest to Small Businesses?

RFO Roadmap

- 4/15/2025, Presidential Mandate: E.O. 14275 – Restoring Common Sense to Federal Procurement:
  - Remove non-statutory content
  - Keep anything essential to sound procurement

- 5/2/2025, OMB Guidance M-25-26 Overhauling the Federal Acquisition Regulation:
  - To implement the E.O., the Office of Federal Procurement Policy (OFPP) in coordination with the Department of Defense, General Services Administration (GSA), and National Aeronautics and Space Administration (NASA) as members of the Federal Acquisition Regulation (FAR) Council lead the revolutionary overhaul of the FAR.

- FAR Council Deviation Guidance – “Agencies should generally issue agency-specific class deviation with 30 days after the Council’s class deviation text is released…”
  - NASA’s Procurement Class Deviations (PCDs) for each FAR Part are located here: pcd.pdf

- Binding, final FAR amendments are expected to be formally codified by the end of 2026, with possible spillover into early-to-mid 2027.

FAR Part 1

Federal Acquisition Regulations System

What is the FAR System Now?

- **FAR 1.101 Framework**
  The System is a collection of acquisition regulations and guidance, and consists of the following:
  - Federal Acquisition Regulation
  - Agency Acquisition Regulations that implement or supplement the FAR
  - Acquisition Guides, which show best practices (FAR Companion)
- Agency manuals/guides such as the NFS Companion Guide and practitioner albums are required use by the Contracting Officer but are not part of the FAR Framework.



Regulatory

Streamlined FAR

Agency Regulations



Non-Regulatory

FAR Companion*

Category Management Buying Guide*

*Living resources that will be regularly updated to reflect evolving best practices and the changing ways that commercial supplies and services are purchased.

What are the Companion Guides?

- The FAR Companion is the first place to start after you read the FAR.
  - The FAR Companion was developed to help acquisition officials exercise their discretion.
  - The FAR Companion provides context, additional information, and practical advice for planning, awarding, managing, and closing out contracts, consistent with the FAR's core buying principles.
  - A living resource guide with best practices and practical advice for federal buyers.

- The NASA FAR Supplement Companion Guide is non statutory and provides instructions to the Contracting Officer for implementing internal processes and procedures that enhance efficacy in procurement operations.



Key Resources

Quick Access to Key RFO Resources

- Central location for all RFO Resources are available on the RFO site: Revolutionary FAR Overhaul | Acquisition.GOV
  - **RFO Parts & Deviations** – Definitive list of overhauled FAR parts and agency deviations.
  - **FAR Companion Guide** - FAR Companion, a living resource guide with best practices and practical advice for federal buyers.
  - **Category Management Buying Guide** - A resource to help practitioners consider their requirements and navigate buying pathways.
  - **Practitioner Albums** - Non-regulatory training materials for overhauled FAR Parts, including deviation summaries and line-outs.
  - **Searchable RFO** - Full RFO text in PDF format.
  - **Frequently Asked Questions**

- **RFO Comparison Tool:** RFO Comparison Tool | www.waru.edu - Overview of major updates for each FAR part and side-by-side comparisons of the current FAR and the RFO version

- The following OP and Local JSC Policy resources are available on the JSC website: NASA JSC - Office Of Procurement - Policy and Systems
  - **NASA FAR Supplement (NFS):** NASA FAR Supplement
  - **NFS Companion Guide:** NASA FAR Supplement

- **The JSC External Home Page:** Johnson Office of Procurement – NASA
  - Includes current acquisitions, organizational charts, and tips on doing business with NASA.

Opportunities

- **The JSC External Home Page:** Johnson Office of Procurement – NASA
  - Includes current acquisitions, organizational charts, and tips on doing business with NASA.

- **Doing Business with NASA**: Doing Business with NASA - NASA
  - Acquisition Forecast (posted quarterly), NASA Research Announcements, Unsolicited Proposals, and SBIRs/STTR.

- **System for Award Management**: SAM.gov | Search
  - Includes all federal, (including NASA) business opportunities over $20,000.

- **GSA eBuy**: GSA eBuy!
  - Search for Federal Supply Schedule business opportunities.

Consistent RFO Themes



PLAIN LANGUAGE



SIMPLIFIED PROCESS



INNOVATIVE TECHNIQUES



LOGICAL ORDER

FAR Part 2

Definitions of Words and Terms

FAR Part 2 – Definitions of Words and Terms
Summary of Significant Changes

- Part 2's job: define, cross-reference, and incorporate
- Defines frequently used FAR terms
- Cross-references other FAR definitions
- Clarifies how to resolve "same word, different meaning."
- Permits definitions be incorporated into solicitations/contracts by reference

- Revised Definitions:
  - Commercial product
  - Commercial service
  - Commercially available off-the-shelf items (COTS)
  - Governmentwide point of entry (GPE)
  - Micro-purchase
  - Nondevelopmental item
  - Offer
  - Offeror
  - Purchase Order

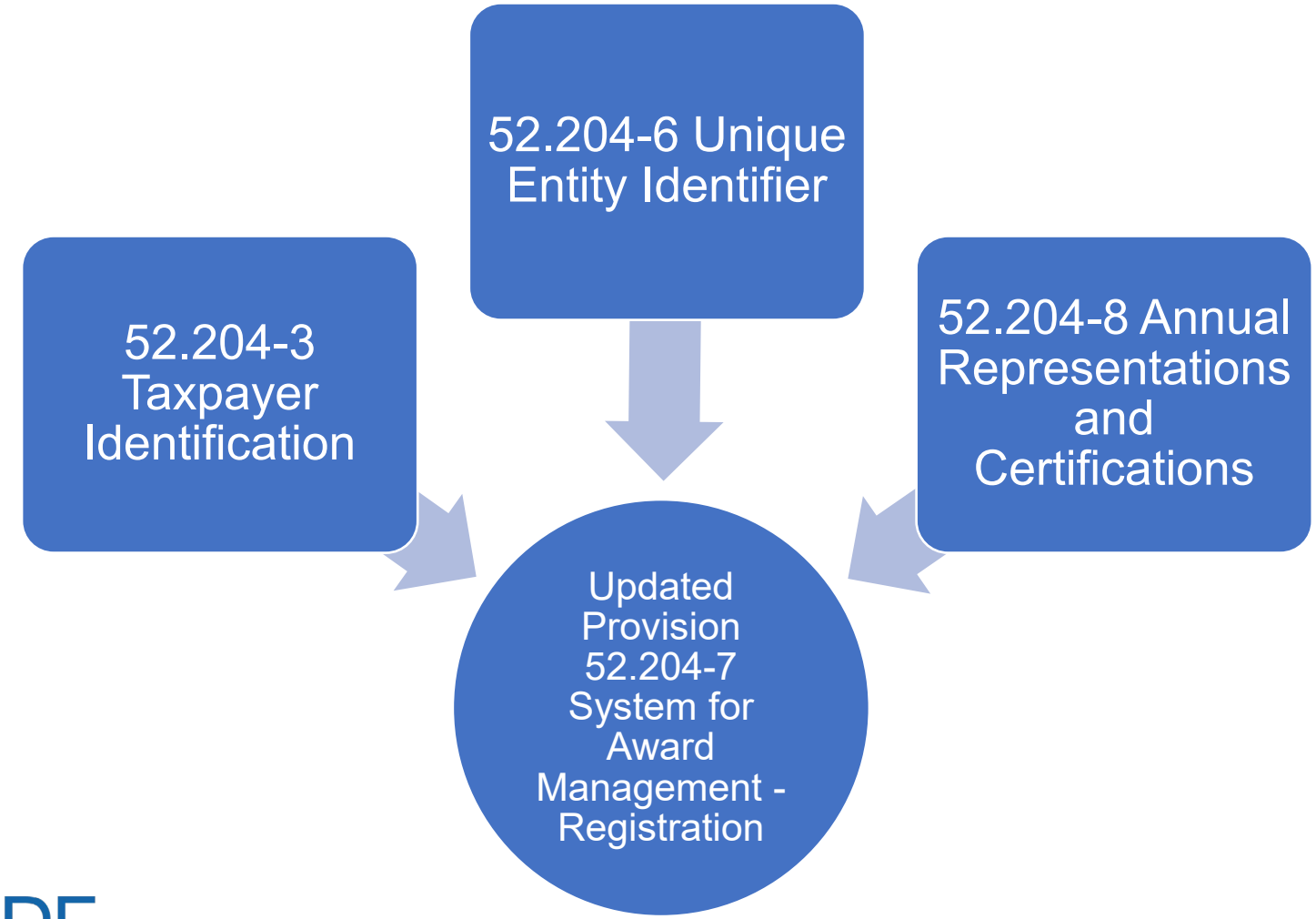


FAR Part 4

Administrative and Information Matters

FAR Part 4 – Administration and Information Matters
Summary of Significant Changes

- Less redundancy. Faster Execution. Same Accountability. For example:



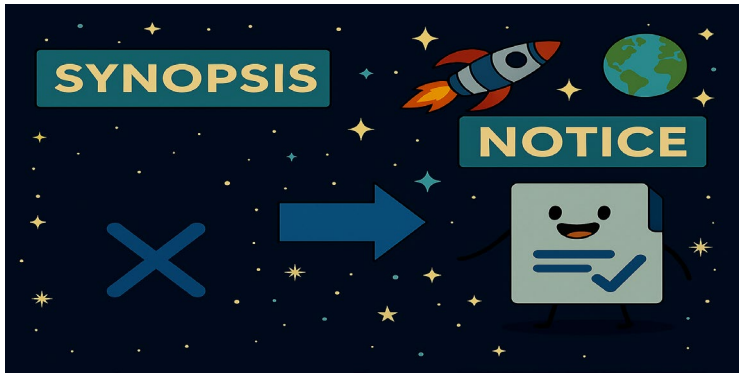
FAR Part 5

Publicizing Contract Actions

FAR Part 5 – Publicizing Contract Actions
Summary of Significant Changes

- Most posting requirements are grounded in law.
- Consistent and defined terms: We *post* a *notice*.
- Required vs. optional notices clarified.
  - Required notices listed in FAR with cross references to other FAR parts.
  - Optional notices listed in Companion Guide.
- Reorganized by acquisition phase.

  Pre-solicitation, Solicitation, and Contract Award
- Removed obsolete business practices.



Acquisition teams can supplement their Sam.Gov postings using other channels.

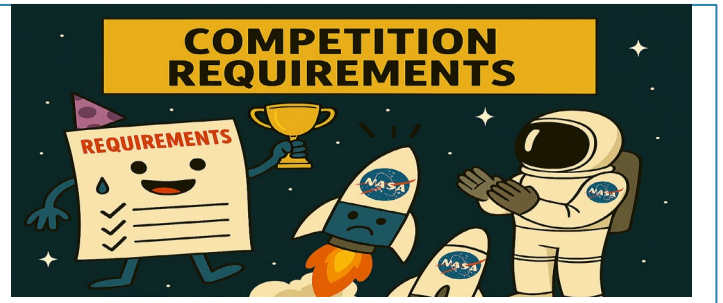
Post award notices are opportunities to seek subcontracting opportunities.

The goal: Increase Government transparency and help businesses quickly decide whether opportunities fit their capabilities.

FAR Part 6

Competition Requirements

FAR 6 – Competition Requirements
Summary of Significant Changes



- Mostly remained the same – competition requirements are grounded in law.
- Small Business set-asides moved to Part 19
- Practitioner Albums include Smart Accelerators highlight ways to increase competition:
  - Challenge-based acquisition: Ensures that requirements extend beyond immediate needs and integrates into the Agency's plan for technology evolution, integration requirements, and capability maturation over time.
  - Incorporate discovery: Use the solicitation phase to enhance the vendor's understanding of the requirement and acquisition approach.
  - Use modular contracting: Break large requirements/ portfolios into smaller components to maximize competition.
  - One-on-one sessions with Industry: This process directly engages industry to determine available capabilities and to discuss the acquisition approach.
  - Vendor panels and reverse industry days: Host sessions where vendors explain pain points, missed opportunities, and how to improve your next buy.

FAR Part 8

Required Sources of Supplies and Services

FAR 8 – Required Sources of Supplies and Services
Summary of Significant Changes

- What stayed the same?
  - Retains focus on mandatory Sources such as UNICOR, AbilityOne

- What changed?
  - New “Required for Use” contracts (8.104)
  - GSA Schedule Ordering Procedures streamlined and moved to GSA Acquisition Manual (GSAM)
  - Increased contractor access to federal supply schedule (FSS)
  - FAR Parts 38 (Federal Supply Schedule Contracting) and 51 (Use of Gov Sources) entirely consolidated into Part 8 and GSAM.

- What changed in the NASA Regs?
  - Removed Non-Statutory Regulation (moved to NFS Companion Guide)
  - Only required clauses remain (as applicable per prescription)
    - 1852.208-82, Federal Automotive Statistical Tool Reporting
    - 1852.208-81, Restrictions on Printing and Duplicating

FAR 8 – Required Sources of Supplies and Services
Mandatory sources for supplies and services (FAR 8.1-8.4)

- Federal agencies must follow a defined order of sources before creating new contracts:
- Use mandatory sources for specific supplies/services
  - Public utilities (Part 41)
  - Government printing (Subpart 8.5)
  - Leased motor vehicles (GSA Fleet)
  - Strategic/critical materials (DLA Strategic Materials)
- Use AbilityOne for mandatory services and listed supplies
- Acquire supplies in the required sequence:
  - Agency inventory
  - Excess from other agencies
  - Federal Prison Industries (FPI)
  - AbilityOne (when applicable)

RFO encourages strategic sourcing by prioritizing existing contract vehicles before creating new ones.

FAR 8 – Required Sources of Supplies and Services
Mandatory sources for supplies and services

- Agencies must use existing Government-wide contract vehicles when:
  - A commercial product/service meets the requirement
  - It is available on:
    - Federal Supply Schedules
    - GWACs
    - Governmentwide BPAs
  - AND the contract is designated as “required-use” (none designated today)
- If mandatory sources do not apply, procurement must follow this order:
  - Enterprise Procurement Strategy (EPS) contracts
  - Strategic Sourcing Repository (SSR)
  - Best-in-Class (BIC) or Shared Services
- Only if none apply may a new contract be issued.

FAR 8 – Required Sources of Supplies and Services
Additional Flexibilities with FSS

- **GSAM 538.7102-2(b)(6):** If an unsuccessful quoter requests information on an award **within 3 days after** the date on which that quoter received notification of contract award, the CO is required to provide a brief explanation of the award decision that **explains why the unsuccessful quoter was not selected**.

- **GSAM 538.7102-2(d):**Ordering activities are not required to—
  - Determine contractor responsibility at the order level or BPA level as contractor responsibility has been determined at the FSS contract level.
  - Make a fair and reasonable price determination for FSS products, services, or solutions at the order level or BPA level as FSS contract pricing has been determined fair and reasonable.

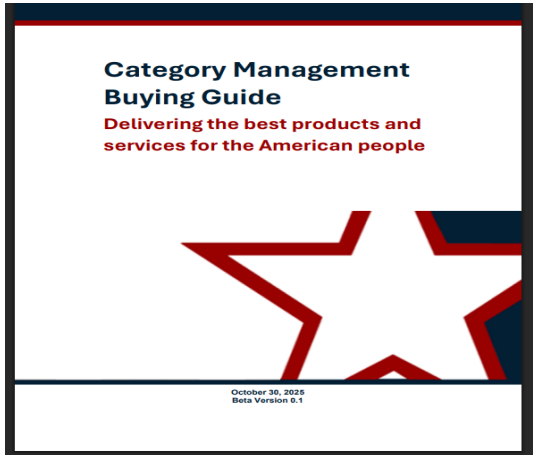
FAR 8 – Required Sources of Supplies and Services
Flexibilities with FSS BPAs

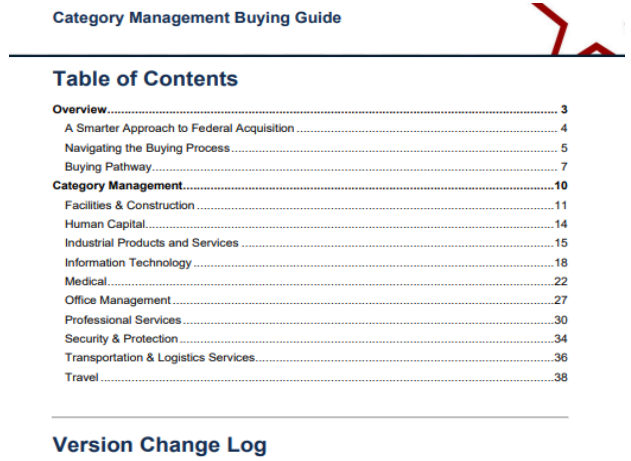
- The updated FAR Part 8 makes it **easier for contractors to get certain supplies and services directly from Government sources**—like GSA, DLA, and VA—when performing Government contracts. This can reduce costs, speed procurement, and streamline performance.
- Here's what it means:
  - **Contractors *must* use Government sources for AbilityOne Procurement List items when authorized.**
    If the contract requires items on the Procurement List, and those items are available from DLA, GSA, or VA, the contractor has to buy them there.
  - **Contractors can be *allowed* to use Government supply sources for other contract needs.**
    A contracting officer may authorize contractors (and subcontractors) to buy supplies or services from Government sources if the supplies/services are available from these sources and doing so benefits the Government.
  - **Contractors on certain fixed-price classified contracts can buy security equipment through GSA.**
    This helps ensure standardized, approved equipment for protecting classified information.
  - **Under cost-reimbursement contracts, contractors may be permitted to use GSA Fleet vehicles.**
    If authorized, contractors can lease Government vehicles and use related services through GSA Fleet—but they must ensure employees do not misuse Government vehicles.

The overhaul gives agencies more flexibility to let contractors tap into existing Government supply chains when it makes sense—but only when the CO specifically authorizes it.

Category Management Buying Guide

- What is the Category Management Buying Guide?
  - A foundational framework to navigate part of the acquisition planning process that is broken up by category
- Emphasizes
  - Commercial First
  - Prioritizes existing Gov-wide vehicles
  - Emphasizes simplicity and efficiency
  - Promotes change!





Tier 4 – Required Use

Tier 3 – Best in Class
NASA Mandatory Source (NFS 1808.11)

Tier 2 – Multi-Agency GWACs

Tier 1 – Agency Managed
Multiple Award Contracts

EXPLORE PROCUREMENT

The cornerstone of NASA's current and future missions

FAR Part 10

Market Research

FAR 10 – Market Research
Summary of Significant Changes

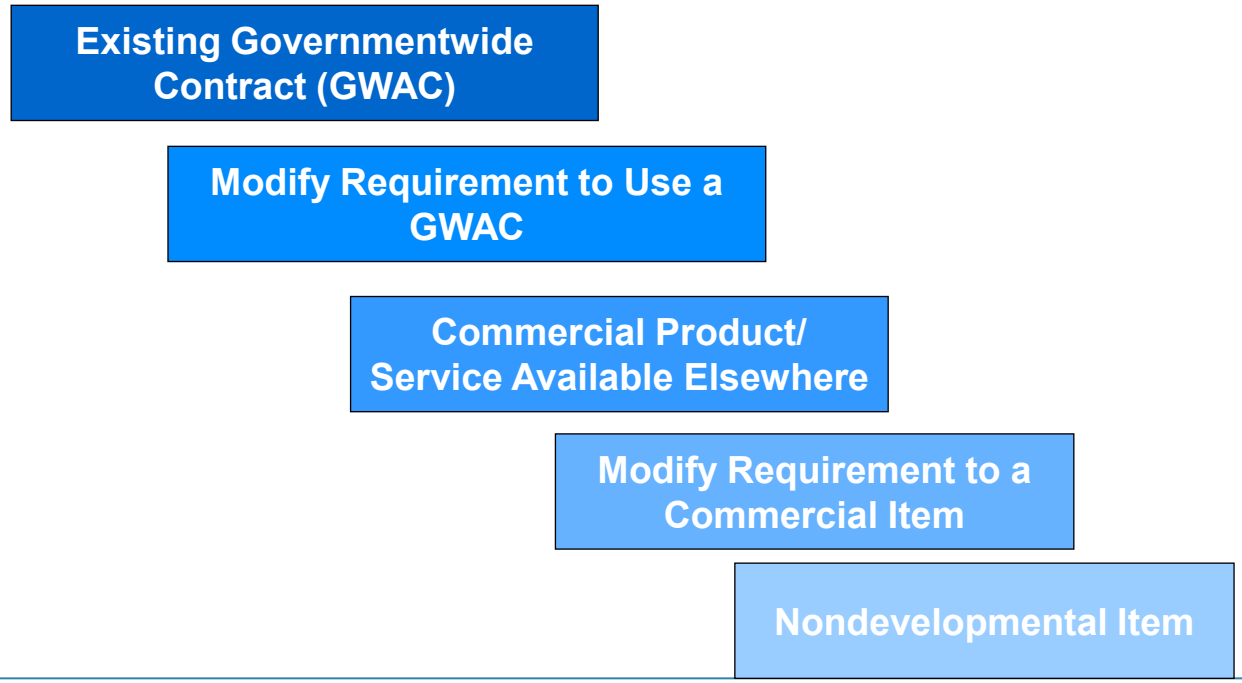
- The following general principles are retained:
  - Preference for commercial products and commercial services;
  - Planning for solicitation requirements; and
  - Ensuring effective and early communication between Government and Industry.

- Provides more flexibility in market research methods and reduced documentation requirements
  - Greater flexibility in techniques
  - Competition requirements remain
  - Flexibility at all dollar values



FAR 10 – Market Research
Summary of Significant Changes

- Market Research is used to maximize small business participation, increase the industrial base, maintain supply chain capabilities, and support the achievement of agency small business goals
- A greater emphasis on early engagement with industry – leverage industry expertise to ensure requirements are realistic, achievable, and affordable.
- Agencies must procure commercial products and commercial services to the maximum extent practicable.
- Using the results of market research, agencies will determine, in the following order of priority, whether to -



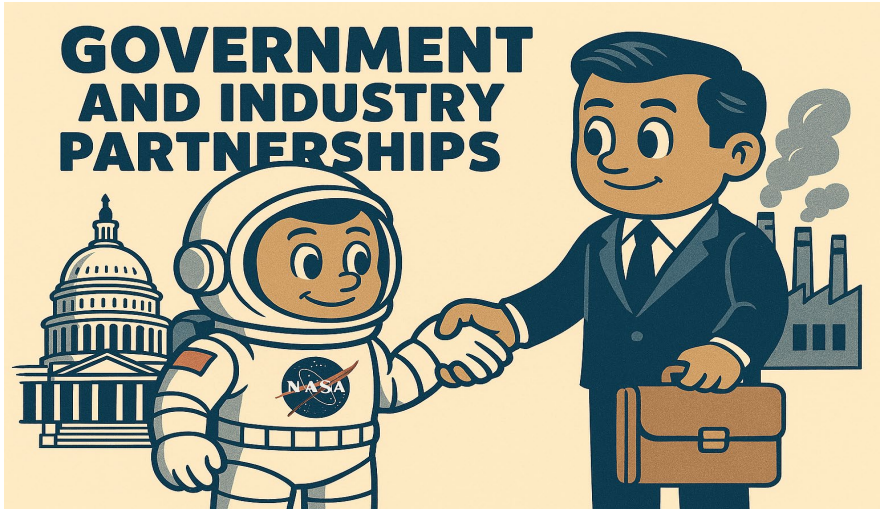
Sell to government | GSA

FAR Part 11

Describing Agency Needs

FAR 11 – Describing Agency Needs
Summary of Significant Changes

- Enhanced to ensure requirements are clear, aligned with commercial practices, and avoid overly prescriptive specifications that limit competition.
- Emphasis is on clear requirements, commercial standards, and promoting competition.
- COs are encouraged to partner with industry to leverage their experience to ensure requirements are realistic, achievable, and affordable.



FAR Part 12

Acquisition of Commercial Products and Commercial Services

FAR 12 – Acquisition of Commercial Products and Commercial Services
What are Commercial Products and Commercial Services?

- Part 12 now stands on its own for commercial buying
  - Use to award purchase orders without any other FAR Part – does not need to be used in conjunction with FAR Parts 13, 14, or 15.
- Only use when commercial items are not available under other Government Wide Acquisition Contract (GWAC) or Federal Supply Schedule (FSS).
- Commercial supplies/services are typically those items sold to the general public and used for non-Governmental purposes, including minor modifications to products/services.
- Noncommercial supplies/services are developed exclusively for Government use and may include unique specification/requirements set by Government agencies.
  - Involves major customization of products/services.
- The CO may be encouraged to break large, complex requirements into smaller, independently procurable components that align with how commercial markets naturally organize products and services.
  - This approach can open competition to vendors who excel in specific areas.

FAR 12 – Acquisition of Commercial Products and Commercial Services
Summary of RFQ Process

Evaluation Procedures	Timely Quote/ Offeror Submission	Post Award Notification and Debriefings
<u>RFQ/Quote Emphasis</u> Comparative evaluation encouraged. Evaluation factors need not be detailed. No scoring, competitive range, and rating requirements. Broad discretion allowed for evaluation schemes.	<u>FAR 52.212-1</u> Allows the CO to accept late quotes and offers. Must be received prior to award and subject to CO determination.	For unsuccessful *quoters*, a brief explanation will be provided upon request. For unsuccessful *offerors*, the CO will follow part 14 or 15 for notification of unsuccessful offerors and debriefings. The debriefing will include the information listed at 52.212-1(e).

FAR Part 13

Simplified Procedures for Non-Commercial Acquisitions

FAR 13 – Simplified Procedures for Non-Commercial Acquisitions
Summary of Significant Changes

- New Name. Simplified Acquisition Procedures *for Non-Commercial Acquisitions*
- This part implements simplified procedures for the acquisition of noncommercial products and services valued over the micro-purchase threshold ($15K) to at or below the simplified acquisition threshold (SAT). General SAT is $350K.
  - Applies to acquisitions that are not available from a required source.
- Simplified procedures for *commercial* purchases moved to Part 12.
- Part 13 includes cross references Part 12 to incorporate flexibilities.
  - Examples include issuing requests for quotations, making micro-purchases, and establishing a process to evaluate quotes.
- **Retained.** Acquisitions above the micro-purchase threshold, but at or below the SAT, must be set aside for small business concerns.

FAR Part 15

Contracting by Negotiation

FAR 15 – Contracting by Negotiation
When to use Part 15

- The CO will use Part 15 when:

- Option 1:
  - If a commercial product or commercial service meets an agency's needs AND is over $9 million AND is not available from a Part 8 priority source (e.g. Federal Supply Schedule or Government Wide Acquisition Contract).

- Option 2:
  - If there are no commercial products or commercial services that can satisfy the agency's needs AND the required supplies/services are not available from a required source, AND the value is above the SAT.

FAR 15 – Contracting by Negotiation
Simplified Definitions

- ***Deficiency*** is a material failure of a proposal to meet a Government requirement ~~or a combination of significant weaknesses in a proposal that increases the risk of unsuccessful contract performance to an acceptable level~~
  - This revised definition is limited to material failures – those that directly and clearly fail to satisfy a government requirement.
- Examples:

Material	Non-Material
Can't meet the time requirements for a service	A few typos in the proposal
	Information not relevant to the proposed approach

- **NFS CG 1815.23: …** "Identify and document all significant strengths, strengths, deficiencies, weaknesses, and significant weaknesses."

FAR 15 – Contracting by Negotiation
Simplified Definitions, Continued

Before	After
FAR 15.102: (d) When oral presentations are required, the solicitation shall provide offerors with sufficient information to prepare them. Accordingly, the solicitation may describe- (1) The types of information to be presented orally and the associated evaluation factors that will be used; (2) The qualifications for personnel that will be required to provide the oral presentation(s); (3) The requirements for, and any limitations and/or prohibitions on, the use of written material or other media to supplement the oral presentations;	FAR 15.105-1: (b) When requesting oral presentations, the RFP must provide offerors with the necessary information to prepare and provide the presentation.

Broader CO discretion in shaping oral presentations.

Clarifications (FAR 15.202(a)(2))

- ***Clarifications are*** exchanges between the Government and offerors where offerors are given the opportunity to resolve minor **or** clerical errors **or** clarify certain aspects of their proposal.
- ***Clarifications include***, but are not limited to, addressing:
  - ambiguities of the proposal;
  - other concerns such as perceived deficiencies, weaknesses, errors, omissions, or mistakes;
  - the relevance of an offeror's past performance information;
  - and adverse past performance information to which the offeror has not previously had an opportunity to respond.



FAR 15 – Contracting by Negotiation
Clarifications, Continued

- Clarifications may occur, at the CO's discretion, at any time after receipt of proposals through contract award.
  - COs are not required to conduct clarifications with an offeror.
  - If the CO conducts clarifications with one or more offerors, it is not required to conduct clarifications with any other offeror.
  - Clarifications should not give one offeror a competitive advantage over another.

- Clarifications do **not** permit offerors to revise their proposal and cannot be used to cure proposal deficiencies or material omissions or materially alter the technical or cost elements of the proposal.

- However, COs may request additional information, or documentation provided the cost/price or other material elements of the proposal are unchanged.

Greater CO flexibility in tailoring and timing clarifications.

Competitive Award With Negotiation (FAR 15.204 & NFS 1815.204-1(b))

- **Competitive Range**. The group of evaluated proposals that the CO determines are **best suited for further negotiation**. COs must establish a competitive range if negotiations will occur after evaluating competitive proposals

- **Narrowing the Competitive Range for efficiency**. When establishing the competitive range, COs may determine that the number of most highly rated proposals that might otherwise be included in the competitive range exceeds the number at which an efficient competition can be conducted. The CO may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly evaluated proposals.

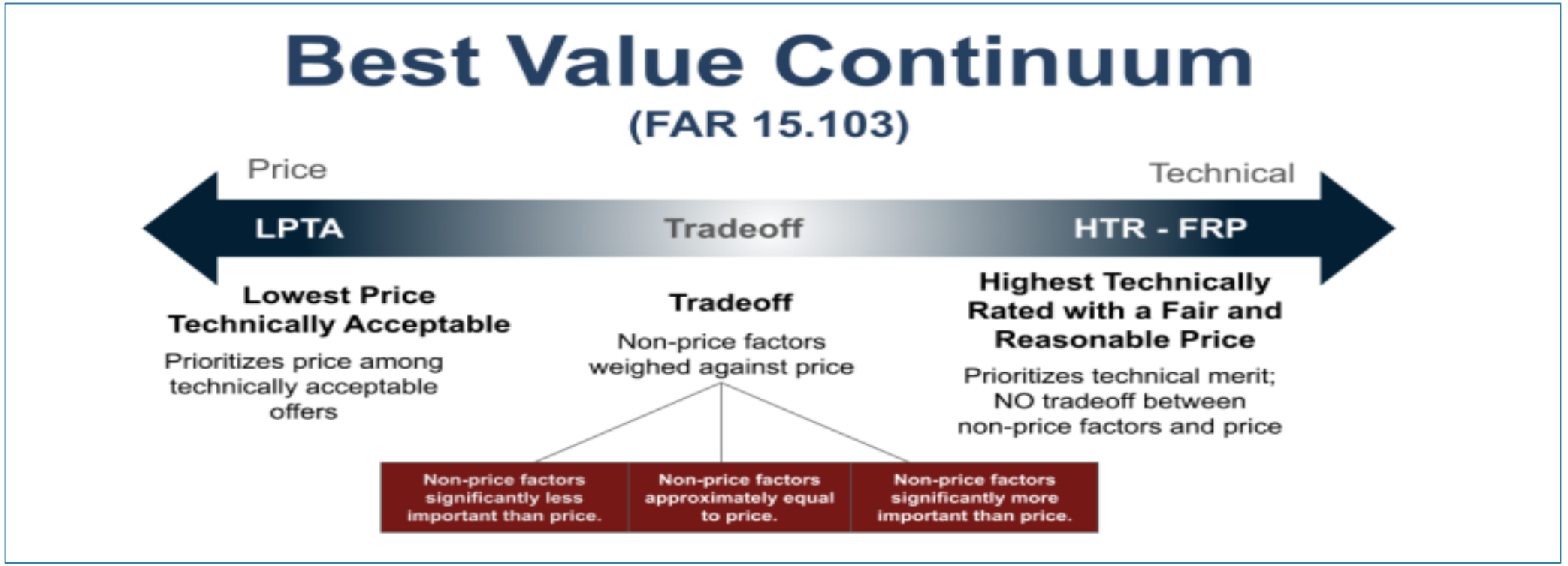
- **NASA Competitive Range Goal (NFS 1815.204-1(b))**
  - NASA's working goal is no more than **3** proposals in the competitive range

Competitive Award With Negotiation (FAR 15.204)

- COs must –
  - Negotiate with each responsible offeror in the competitive range; and
  - Tailor the negotiation to the offeror's proposal, but at a minimum, indicate to, or negotiate with, each offeror any deficiencies or significant weaknesses in the proposal

- COs may further negotiate with an offeror, if necessary. Having further negotiations with a particular offeror does not obligate COs to have further negotiations with any other offerors.

- COs may also negotiate other aspects of the offeror's proposal that could, in the opinion of the CO, be altered or explained to enhance materially the proposal's potential for award. COs are not required to negotiate every area where the proposal could be improved.
  - No agreement on individual cost/price elements or a "bottom line" is necessary.



The source selection method shapes:

- **how proposals are structured**
- **how resources are allocated,**
- **and how success is defined.**

FAR Part 16

Types of Contracts

FAR 16 – Types of Contracts
Fixed Price and Cost Reimbursable

FFP is the **Default**

Use for:

- Commercially available items and services
- Mature systems
- High Technology Readiness Level (TRL) deliverables
- Stable manufacturing
- Recurring production

Cost Reimbursement is the **Exception**

Use only when:

- The requirements cannot be sufficiently defined to allow for a fixed-price type contract; or
- Uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to use any type of fixed-price contract.
- Requirements are genuinely immature
- Technical risk is high and evolving
- Iterative design required
- Cost cannot be reasonably estimated

FAR 16 – Types of Contracts
NASA Contract Strategy Philosophy

- NASA Principle:
  - Match the contract type to technical maturity, program risk, and market conditions.

- NASA practices:
  - Early phases and immature technology → Cost-Reimbursement (with transition plan to FFP)
  - Mature systems, commercial markets, well-defined deliverables → FFP
  - Use performance-based acquisition (PBA) whenever feasible
  - Incentives must drive outcomes that matter (mission success, schedule, capability) and focus on risk reduction
  - Transparent cost reporting required
  - Hybrid structures allowed (e.g., CP for design + FP for production)

FAR 16 – Types of Contracts
New Contract Types

Section 16.101(a), Policies: “contract types that promote the best interests of the Government, but are not described in this regulation, are permitted for use in accordance with agency procedures”.

- The solicitation may request that offerors propose a contract type, which reinforces the emphasis on flexibility and industry participation.



Firm Fixed Unit Price (FFUP) - Not just for utilities and commercial products, can also be used for services like cloud!



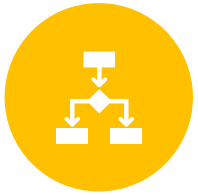
Outcome Based Contracting (OBC)- shift the focus from just delivering a product or service to a collaborative partnership with shared accountability (shared risk, shared reward!). Focus on what you will achieve using meaningful performance metrics.



Added “on-ramping” (adding new contractors) and “off-ramping” (removing contractors) from a multiple-award contract during its ordering period.



Enhanced Contract Type Conversion-Turn T&M into FFP without recompeting!



BPAs are now permitted under multiple award contracts, just like they are permitted under the FSSs.

FAR 16 – Types of Contracts
Multiple Award Contracts

- Below the Micro-Purchase Threshold ($15K<):
  - Each order valued at or below the micro-purchase threshold may be placed with any multiple-award contractor that can meet the agency's needs.
  - Although not required to solicit from a specific number of contractors, ordering activities should attempt to distribute orders among multiple-award contractors.

- Above the Micro-Purchase Threshold but below the Simplified Acquisition Threshold ($15K<->$350K)
  - The CO must fairly consider all contractors offering the supplies or services.
  - If information available to the CO allows each contractor to be fairly considered, the CO may place an order without further soliciting contractors, or by soliciting fewer than all contractors.

- Ordering activities are not required to develop formal evaluation plans, score offeror responses or quotations, or establish a competitive range before communicating with interested parties.

FAR 16 – Types of Contracts
Multiple Award Contracts, Continued

- Orders valued above the SAT but below $7.5M:
  - Provide a fair notice of the intent to place an order to all contractors offering the products or services by issuing:
    - A solicitation including a description of the work to be performed and the basis on which selection will be made; or
    - A notice of intent to place an order that requires contractors to respond in order to receive the solicitation or be considered for the order.

- Orders above $7.5M
  - Provide a fair notice of the intent to place an order to all contractors offering the products or services according to 16.507-4. A fair notice must—
    - Include a clear statement of the agency's requirements;
    - Allow for a reasonable response period; and
    - Disclose the significant factors and subfactors, as applicable, including cost or price, that the agency expects to consider in evaluating quotations, offers, or other responses to notices, and their relative importance.
  - Provide postaward notifications and debriefings according to part 15.

FAR Part 19

Small Business

FAR 19 – Small Business
Scope of Part

- Implements the acquisition-related sections of the Small Business Act (15 U.S.C. 631, *et seq*) and 41 U.S.C. 3104.
- Establishes the federal government's policies and procedures for ensuring small businesses have fair opportunities to participate in federal contracting.
- Defines both the policy intent and the mechanism for making small business a core part of the federal acquisition process

FAR 19 – Small Business
Summary of Significant Changes

Changed

- Small Business Programs
- Alignment with acquisition lifecycle
  - 19.1 – Presolicitation
  - 19.2 – Evaluation and Award
  - 19.3 – Postaward
- Applicability & Rule of Two
- Size Standard Representations
- Non-Manufacturer Rule

Unchanged

- Government's commitment to small businesses. NASA will continue to:
  - Expand the pool of vendors and encourage new ideas
  - Boost competition and enhance overall value
  - Provide more equitable opportunities for participation
- FC 19.101(b) – Encouraging Small Business Participation in Acquisitions.
  - Break down complex requirements; establish realistic delivery schedules, allow the maximum time practicable for submission of offers, and provide the relevant information with the solicitations.

Applicability and Rule of Two

- **Rule of Two**: Agencies shall set aside procurements for small businesses when market research shows at least two responsible small businesses are likely to submit competitive offers.
  - Statutorily Required: Micro-purchase Threshold – Simplified Acquisition Threshold (SAT) (Standard is: $25K - $350K)
  - Regulatorily Required: Above the (SAT)
- Rule of Two is at COs discretion for orders
  - CO's decision to set-aside or not at the order level is an exercise of discretion and not a basis for protest

FC 19.111-2 Set-asides for orders under multiple-award contracts.
The contracting officer is encouraged to consider, but has the discretion to decide, whether or not to set aside an order under multiple-award contracts for small business concerns. Accordingly, the "rule of two" (see FAR 19.104-1(a)) does not apply to orders placed under multiple-award contracts, or to orders under the Federal Supply Schedules.



Size Standard Representations before Award (FAR 19.301)

- Agency small business credit is driven by size determination at the contract level.
- For IDIQ contracts, removes re-representation requirements at the order level.
- Updates made when significant events take place at the contract level (option exercise, novation, etc.).
- For long-term contracts re-representation occurs:
  - (i) Within 60 to 120 days prior to the end of the fifth year of the contract; and
  - (ii) Within 60 to 120 days prior to the date specified in the contract for exercising any option thereafter.

FAR 19 – Small Business
Summary of Significant Changes, Continued

- Non-Manufacturer Rule (NMR) [FAR 19.104-1(f)]
  - If a small business is not the manufacturer, then it can still compete as a reseller/dealer, but it must provide the product of a domestic small business manufacturer, unless a waiver is granted by SBA.
  - Part 19 now provides clear guidance on when to insert 52.219-33, Nonmanufacturer Rule, in solicitations and contracts.
  - If an acquisition is a small business set-aside and assigned a manufacturing or supply NAICS code, then the NMR applies.

FAR Part 22

Application of Labor Laws to Government Acquisitions

FAR 22 – Application of Labor Laws to Government Acquisitions
Summary of Significant Changes, Continued

- Subpart 22.11, Professional Employee Compensation, is removed and marked reserved.
  - The CO now has discretion to determine if a Total Compensation Plan (TCP) is required at the prime level and determine the threshold for subcontractor TCPs.
- FAR clauses 52.222-21 through 52.222-29 relating to equal opportunity are now reserved.
- FAR 52.222-90, Addressing DEI Discrimination by Federal Contractors, was added
- Fundamental protections for workers remain the same.
- Guidance on wage determinations moved to the FAR companion guide.

FAR Part 52

Solicitation Provisions and Contract Clauses

FAR 52 – Solicitation Provisions and Contract Clauses
Summary of Significant Changes, Continued

- Subpart 52.1, Instructions for using provisions and clauses, remains unchanged.
- GSA has summarized all provision and clause changes per effective dates of the GSA issued deviations in this GSA RFO Part 52 matrix tool(opens in a new tab).

EXPLORE PROCUREMENT

The cornerstone of NASA's current and future missions

THANK YOU

