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¶ 17 THE REVOLUTIONARY FAR OVERHAUL: Did It Eliminate More Than 2,700 Nonstatutory Requirements?

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In a January 23, 2026 “Memorandum to the Acquisition Workforce,” the Administrator of Federal Procurement Policy boasted of the accomplishments of the Revolutionary Federal Acquisition Regulation Overhaul (RFO). One claim stood out: “Through this overhaul we eliminated more than 2,700 non-value-adding and burdensome nonstatutory requirements while also reducing more than 500 pages of the FAR.” A more agreeable person would probably take the Administrator at his word. I started counting. The reduction in page count is easy enough to verify using the full RFO pdf, https://www.acquisition.gov/sites/default/files/page_file_uploads/RFO.pdf, but it wasn’t clear how the Office of Federal Procurement Policy was counting the reduction in nonstatutory requirements or what the criteria for “non-value-adding and burdensome” were. A little detective work was required.

Fortunately, I had kept track of the reduction in the imperatives “shall” and “must” for an RFO series I have been writing for CONTRACT MANAGEMENT. In addition to changes in word count and readability, I tracked the decrease in the total number of “shalls” and “musts” for each overhauled part. The total number of “shalls” and “musts” in the current FAR is 9,735. The total number of “shalls” and “musts” in the overhauled FAR is 6,970. The difference is 2,765—consistent with the OFPP’s claim of eliminating “over 2,700” nonstatutory requirements. Bingo! The OFPP had counted one less “shall” or “must” as one less non-value-adding and burdensome nonstatutory requirement. But was this an honest measure? In some instances, the FAR states the same requirement in multiple places. If you eliminate one such statement, you’ve eliminated a “shall,” but you haven’t eliminated the requirement.

To test the claim, I randomly sampled 10 of the 2,765 imperative statements (i.e., containing “shall” or “must”) in the current FAR that were eliminated as part of the RFO. I checked for two things. First, did removing the statement eliminate a nonstatutory requirement? Second, if so, was the requirement burdensome (by my standard)?

Findings

Imperative Sentence Removed	FAR citation	Eliminated non-statutory requirement?	If so, Burdensome?
1. “The general approach for evaluating past performance information shall be described.”	15.304(d)	N	N/A

Finding 1: The current FAR repeats this same requirement at FAR 15.305(a)(2)(ii). The RFO states the requirement once—at 15.104(b)(3)(ii)(A), stating: “(ii) The RFP must—(A) Describe the general approach for evaluating past performance information . . .” So, the elimination of one “shall” did not eliminate any requirements—even though it gets counted as one eliminated requirement.

Imperative Sentence Removed	FAR citation	Eliminated non-statutory requirement?	If so, Burdensome?
2. “In order to establish a multi-agency or governmentwide acquisition contract, a business-case analysis must be prepared by the servicing agency and approved in accordance with the OFPP business case guidance, available at . . .”	17.502-1(b)	N	N/A

Finding 2: This sentence precedes a description of the required contents of the business-case analysis in the FAR. The RFO skips right to the required contents of the business-case analysis at 17.502-1(b), stating: “In accordance with section 865 of Public Law 110-417, the agency business case must address how the contract will be administered . . .” So the requirement for a business-case analysis—which is statutory—still exists, but elimination of the “must” was counted as the elimination of one nonstatutory requirement.

Imperative Sentence Removed	FAR citation	Eliminated non-statutory requirement?	If so, Burdensome?
3. “If the SBA procurement center representative (or, if a procurement center representative is not assigned, see paragraph (a) of this section) believes that the acquisition, as proposed, makes it unlikely that small businesses can compete for the prime contract, the representative shall recommend any alternate contracting method that the representative reasonably believes will increase small business prime contracting opportunities.”	19.402(c)(2)	N	N/A

Finding 3: FAR 19.402(c) restates a list of duties at 13 CFR 125.2(b) that the Small Business Administration assigns to its procurement center representatives. The RFO replaced the detailed list with a cross-reference to 13 CFR 125.2(b) at 19.102(d). So the nonstatutory requirement still exists, but one less shall was counted as one less nonstatutory requirement.

Imperative Sentence Removed	FAR citation	Eliminated non-statutory requirement?	If so, Burdensome?
4. “The written determination shall be prepared within a reasonable time given the circumstances of the emergency.”	26.203(b)	Y	No

Finding 4: FAR 26.203(b) implements a statutory requirement at 42 USCA § 5150(b)(2) to transition work for disaster relief to local firms, “unless the head of such agency determines in writing that it is not feasible or practicable.” The statutory requirement and exception still exist in the RFO at 26.202-1(b)(2), but there’s no requirement for the agency head determination to be “prepared within a reasonable time given the circumstances of the emergency.” So, technically, removing this sentence eliminated the nonstatutory requirement to be timely. However, this cannot be characterized as a burdensome requirement.

Imperative Sentence Removed	FAR citation	Eliminated non-statutory requirement?	If so, Burdensome?
5. “The contracting officer shall insert the provision at 52.247-6, Financial Statement, to ensure that offerors are prepared to furnish financial statements.”	47.207-1(e)	Y	No

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Finding 5: The use of this provision is no longer mandatory, so it should be counted as one less nonstatutory requirement. However, the provision only applied to noncommercial solicitations for transportation and transportation-related services. It’s hard to imagine what such a solicitation would be for.

Imperative Sentence Removed	FAR citation	Eliminated non-statutory requirement?	If so, Burdensome?
6. “The [presolicitation] notice shall be publicized in accordance with 5.204.”	9.206-1(e)(1)	N	N/A

Finding 6: This sentence requires publication of a qualification requirement using a presolicitation notice that can be accessed through the Government-wide point-of-entry. Removing the sentence did not eliminate the requirement, however. The RFO states this requirement at 5.101(c)(4)(viii).

Imperative Sentence Removed	FAR citation	Eliminated non-statutory requirement?	If so, Burdensome?
7. “The Contractor shall apply the following basic safeguarding requirements and procedures to protect covered contractor information systems. Requirements and procedures for basic safeguarding of covered contractor information systems shall include, at a minimum, the following security controls: . . .”	52.204-21(b)(1)	N	N/A

Finding 7: The requirement still exists in the RFO at 52.240-93(b)(1). The subparagraph was rewritten so that two consecutive imperative statements were combined into one: “The Contractor shall safeguard its covered contractor information systems by implementing, at minimum, the following security controls: . . .”

Imperative Sentence Removed	FAR citation	Eliminated non-statutory requirement?	If so, Burdensome?
8. “If the proposal is received with the restrictive legend (see paragraph (a) of this section), the modified cover sheet shall also be used and permission shall be obtained from the offeror before release of the proposal for evaluation by non-Government personnel.”	15.609(g)	N	N/A

Finding 8: This was a poorly written sentence to begin with. It was fixed in 15.504-2(b) by using one “must” that preceded a vertical list of the same two requirements. Again, one less “shall” does not equal one less requirement.

Imperative Sentence Removed	FAR citation	Eliminated non-statutory requirement?	If so, Burdensome?
9. “Subject to the terms and conditions of the contract and the availability of funds, contracting officers shall authorize an incentive payment of 5 percent of the amount paid to the subcontractor.”	26.103(f)	N	N/A

Finding 9: This sentence is repeated in the implementing clause at FAR 52.226-1, “Utilization of Indian Organizations and Indian-Owned Economic Enterprises.” The RFO removed the imperative statement from FAR Part 26, instead stating at 26.102-1 that agencies “may allow an incentive payment,” but retained the requirement in the RFO version of FAR 52.226-1, stating: “The Contracting Officer, subject to the terms and conditions of the contract and the availability of funds, will authorize an incentive payment of 5 percent of the amount paid to the subcontractor.

Imperative Sentence Removed	FAR citation	Eliminated non-statutory requirement?	If so, Burdensome?
10. “The Contractor shall include this clause in every subcontract and purchase order that is subject to the Equal Opportunity clause of this contract.”	52.222-21(c)	Y	Y

Finding 10: This sentence is a flow-down requirement in the clause at FAR 52.222-21, “Prohibition of Segregated Facilities.” Removing the sentence did eliminate a burdensome nonstatutory requirement. However, this cannot be credited to the RFO. The President revoked Executive Order 11246, “Equal Employment Opportunity,” in the first week of his administration on January 21, 2025, in Executive Order 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”—long before the RFO even had a name. Agencies had already issued class deviations to implement the President’s

revocation by the time the FAR Council issued its deviation guidance for FAR Part 22. In this case, removal of the requirement was purely ministerial.

Conclusion

Of the 10 imperative sentences removed, only three eliminated a nonstatutory requirement, one of which can be described as burdensome. The one requirement eliminated that met both criteria was not the FAR Council's idea. So, to answer the title question, the RFO did not eliminate over 2,700 non-value-adding and burdensome nonstatutory requirements. However, it did eliminate over 2,700 "shalls" and "musts." Some of those 2,700 plus did result in the elimination of burdensome nonstatutory requirements that the RFO deserves credit for. However, I would put that number closer to 27. *Donald E. Mansfield*