

## Focus Points: Key Changes to FAR Part 5

FAR Part 5 has been streamlined and reorganized to reduce ambiguity and enhance readability, including incorporation of several tables in lieu of written direction, but its substantive requirements remain largely unchanged.

### Focus Points

- **Centralized Publicizing Requirement:** All notices (presolicitation, solicitation, award) must still be posted to the Governmentwide Point of Entry (GPE) for streamlined industry and public access.
- **Threshold Adjustments:** The dollar thresholds for publicizing contract actions have been clarified and, in some cases, lowered. Under the proposed changes to FAR 5.101(a), the dollar threshold for publicizing presolicitation notices has been lowered from \$25,000 to \$15,000, unless an exemption at FAR 5.101(b) applies.
- **New Definitions:** New and clarified definitions for the terms “contract action,” “notice,” and “presolicitation notice” have been incorporated at FAR 5.001 to help practitioners understand what triggers publicizing requirements.
- **Notice Content Requirements:** Previous content requirements for presolicitation and solicitation notices remain largely unchanged and have been streamlined under FAR 5.101(c) and 5.201(c). Notices must still include specific data elements such as codes (PSC/NAICS), set-aside status, a description of the supplies/services to be acquired, procedures for award, and trade agreement language.
- **Response Time Standardization:** Minimum posting and response times are now clearly defined, with tables specifying timeframes based on acquisition value and type as follows:
  - *Presolicitation notices:* Must be posted for a minimum of 10-15 days depending on dollar value (see FAR 5.101(d), Table 5-2).
  - *Solicitations:* Minimum timeframes for receipt of quotations or offers varies from 10-45 days depending on dollar value, type of acquisition, and whether the acquisition is subject to the World Trade Organization Government Procurement Agreement (WTO GPA) and/or a Free Trade Agreement (FTA) (see FAR 5.201(d), Table 5-3).
  - *Award notices:* Must be posted as soon as possible after award but not more than 60 days post-award (see FAR 5.301(d), Table 5-4).
- **Exemptions Clarified:** The list of exemptions to presolicitation publicizing requirements has been streamlined under FAR 5.101(b). One exemption has been deleted; there is no longer a presolicitation exemption for contract actions issued by a Defense agency where the work will be performed outside the United States and its outlying areas by only local sources. All other exemptions remain substantively unchanged.

- **Justification Document Disclosure:** The requirements for release of Justifications for other than full and open competition remain substantively unchanged, as they are driven by statute, but have been removed from FAR Part 5 and now reside under FAR Part 6.
- **FAR 5.7 Publicizing Requirements Under the American Recovery and Reinvestment Act (ARRA) of 2009 Removed:** FAR 5.7 previously outlined posting requirements specific to actions funded by the ARRA. The ARRA is no longer in effect, so these requirements have been deleted.

**For Detailed Redline Analysis and Practical Guidance:** Visit our full annotated document and insights section for clause-by-clause breakdowns and practitioner-focused commentary.