



OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
ASSISTANT SECRETARY OF THE ARMY
(ACQUISITION, LOGISTICS & TECHNOLOGY)
ASSISTANT SECRETARY OF THE NAVY
(RESEARCH, DEVELOPMENT & ACQUISITION)
ASSISTANT SECRETARY OF THE AIR FORCE
(ACQUISITION, TECHNOLOGY & LOGISTICS)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Executive Order 14271 – Ensuring Commercial, Cost-Effective Solutions in Federal Contracts – Implementation Guidance

On April 15, 2025, the President issued [Executive Order \(EO\) 14271](#) entitled, “Ensuring Commercial, Cost-Effective Solutions in Federal Contracts.” The EO requires agencies to “procure commercially available products and services, including those that can be modified to fill agencies’ needs, to the maximum extent practicable, including pursuant to the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355, as amended) (FASA).”

Officials designated as Competition Advocates have long been charged to challenge unduly restrictive requirements that stand as barriers to full and open competition. Now, we must redouble our efforts to establish requirements in a way that avoids inadvertently disqualifying commercial solutions. Our Department’s unique warfighting mission demands the continued use of non-commercial products and services for certain capabilities. So, in redoubling our willingness to identify and use of commercially available products and services it should not be about casting truly non-commercial products or services as “commercial” for the purpose of misapplying policies and procedures unique to the acquisition of commercial products and commercial services.

Through continuous market research, we gain awareness and appreciation for commercially available innovations that can meet the Department’s problem sets. Requiring activities, program managers, and contracting officers must work together to identify commercial solutions to fulfill DoD mission requirements. Contracting officers cannot independently determine whether a commercial product or service is sufficient to satisfy a requirement owner’s need.

The attachment provides the Department’s standard implementation process to address the requirements of the EO Section 4., *Review of Pending Actions*, and Section 5., *Oversight of*

Non-Commercial Procurements. Please contact Defense Pricing, Contracting, and Acquisition Policy (DPCAP), Contract Policy Directorate with any questions regarding this policy at osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil.

John M. Tenaglia
Principal Director,
Defense Policy, Contracting, and
Acquisition Policy

Attachment:
As stated

ATTACHMENT

Executive Order 14271 – Ensuring Commercial, Cost-Effective Solutions in Federal Contracts – Implementation Guidance

1. Section 4. *Review of Pending Actions*

- a) In accordance with the EO, the “approval authority” means the Senior Procurement Executive (SPE). DoD SPEs may delegate this approval/denial authority, in writing, no lower than to General Officers, Flag Officers, or members of the Senior Executive Service within their respective agencies. Any delegation(s) shall only be granted to acquisition officials possessing the necessary acumen to determine whether a proposed non-commercial procurement serves the best interests of the agency. Delegations may be on a by-procurement basis or for all procurements in a given agency.
- b) By June 15, 2025, agency approval authorities shall direct contracting officers to conduct a review of pending Federal Acquisition Regulation (FAR) actions (all open agency solicitations, pre-solicitation notices, solicitation notices, award notices, and sole source notices) for prime contract awards for non-commercial products or services valued at or above the Simplified Acquisition Threshold (SAT). This review need not include a review of awarded contracts.
- c) Contracting officers are to either consolidate or create an application for each solicitation, pre-solicitation notice, solicitation notice, award notice, and sole source notice into a proposed application requesting approval to proceed with a prime contract procurement for non-commercial products or services. Applications must be submitted to the respective approval authority. The proposed applications must contain a description of the procurement to include: the solicitation, pre-solicitation or sole source information, market research, and price analysis used to determine the availability of commercial products and services to meet the Government’s needs. Most important though, the application must justify the procurement of a non-commercial product or service, as required by 41 U.S.C. 3307(d) and 10 U.S.C. 3453(c) and 3453(d), as applicable, and the rationale for pursuing a Government-unique, custom-developed, or otherwise non-commercial product or service.

2. Section 5, *Oversight of Non-Commercial Procurements*

- a) Program Managers and requirement owners, in collaboration with contracting officers, are to submit a request for approval (RFA) to procure non-commercial products or services under FAR-based prime contracts prior to releasing solicitations valued at or above the SAT. Program managers and requirement owners using interagency acquisitions, or other procurement methods where an outside agency or DoD Component will be the buying activity, must have their approved RFA prior to submitting their requirements documents to the outside agency or DoD component’s buying activity. *Catalogued items for spare and repair parts in support of fielded*

weapon systems may be excluded from applicability where information pertaining to military-unique requirements was previously documented in the provisioning process (see DFARS 217.7601).

- b) Requests for Approval must include:
 - i) A description of the proposed procurement;
 - ii) Rationale for pursuing a Government-unique, custom-developed or otherwise non-commercial product or service; and
 - iii) The market research report, to include detailed market research activities and price analysis used to determine the availability of commercial products and services to meet the Government's needs and to justify the procurement of a non-commercial product or service, as required by 41 U.S.C. 3307(d), 10 U.S.C. 3453(c), and 3453(d), as applicable.
- c) Program managers and contracting officers should engage with the Department's centralized cadre of experts, the Defense Contracting Management Agency (DCMA) Commercial Item Group (CIG), to assist with the market research activities and price analysis in determining the availability of existing commercial products and services that may satisfy Government needs. Submit requests for support to the DCMA CIG via their website at <http://www.dcmil.commercial-item-group/>.
- d) Agencies are to establish an internal review and approval process to provide oversight for all non-commercial procurements. The approval authority will provide written approval or denial for each proposed non-commercial procurement. Generally, the non-commercial procurement review should be accomplished no later than at the point in time when an acquisition strategy is presented for approval. When adequate documentation for all required elements of the RFA are included, the RFA may be approved as part of the written acquisition strategy or acquisition plan as referenced in FAR 7.102(a)(1), DFARS 207.105, and DFARS PGI 207.105(b)(20)(A)(6) through (9). The RFA may also be included as a standalone document with the purchase request provided to the contracting officers for procurements that do not have dedicated program offices or non-major defense acquisition programs. For review of current solicitations, pre-solicitation notices, and sole source notices, the RFA may be an amendment or modification to the approved acquisition strategy, or provided as an additional attachment to the purchase request. The RFA approval authority may be delegated as stated in paragraph 1(a).
- e) RFAs may be developed on an individual or class basis. A class RFA for non-commercial procurements may be submitted for procurements of same or related products and services or procurements that require essentially identical justification. A class RFA may be prepared for a weapon system, Product Service Code/Federal Service Code, Federal Supply Class, Federal Supply Group, a product or service purposely identified for military unique applications or any specific set of requirements as appropriate if the market research supports the RFA. Class RFAs must fully support the proposed procurement either for the class as a whole or for

each individual action. A class RFA must be for a specified period, with the expiration date indicated in the document. A class RFA must be approved prior to solicitation of any non-commercial purchases under the RFA. The program manager and contracting officer must ensure that individual procurements conducted pursuant to the authority of a class RFA are within the scope of the RFA.

- f) Within 30 days of the date of receipt of an RFA for solicitation of non-commercial products or services, the approval authority shall:
 - i) Provide an assessment of the RFA, including the sufficiency of the market research and price analysis provided in support of the procurement of non-commercial products or services. If there are deficiencies in the RFA, the approval authority will take appropriate action, to include returning the RFA or any portion of the RFA to the contracting officer for additional research or action with respect to potential commercial products or services;
 - ii) Provide appropriate recommendations “to advance the solicitation of commercial products or services where those products or services would be sufficient to serve the applicable procurement needs”; and
 - iii) If during the review of the RFA, the approval authority decides to seek input from the Director of Office of Management and Budget (OMB) in consultation with the Administrator for Federal Procurement Policy, the approval authority will send a copy of the RFA package to DPCAP at osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil for coordination with OMB.
- g) DoD SPEs must submit their agency report to DPCAP at osd.pentagon.ousd-a-s.mbx.asda-dp-c-contractpolicy@mail.mil using the reporting template in Appendix 1 **no later than July 25, 2025** and annually thereafter to enable DPCAP to develop and the Department’s consolidated response by the date prescribed in the EO. Components may add attachments to the reporting template, if desired, to provide additional details. Components may use the data table in Appendix 2 to track all RFAs at the SPE level but is not required to be submitted to DPCAP.

APPENDIX 1

Reporting Template

Component/Service/Defense Agencies	
Compliant with the EO (Y/N):	
If no, date of compliance with EO:	
Summary of Agency efforts to shift towards commercial products and services	
Highlights of Key Successes and/or challenges	
1.	
2.	
3.	
Summary of Procurement Data	
Description	Percentage of Actions
Total Covered Actions Reviewed	
Non-commercial Submissions	
Submissions Approved	
a) Submissions Approved as Individual Case	
b) Submissions Approved as Class Case	
Submissions Denied	
Non-commercial Revised to Commercial Procurement	
Summary of Rationale for Non-Commercial Procurement (list and quantify as percentage)	
1.	
2.	
3.	
4.	
5.	

APPENDIX 2

Optional Data Template

DoDAAC	Item/Service	Description	Type of Request (Individual/Class)	Rationale for Non- commercial Procurement	Decision	Reason for the Decision	Date Signed	Additional Comments