

# **Streamlining the Supplemental Federal Acquisition Regulation**





Updating a government agency's supplemental Federal Acquisition Regulation is a complex task, often plagued by delays, audits, and congressional scrutiny, with escalating risks if not addressed promptly. **Leveraging years of expertise, Markon provides tailored solutions to streamline this complex process, enabling agencies to implement updates with precision, efficiency, and confidence.**

# Overview

## What is the FAR?

The Federal Acquisition Regulation (FAR) is the cornerstone of procurement for all executive agencies using appropriated funds to acquire supplies and services. Its primary purpose is to establish uniform policies and procedures that federal agencies must follow during the procurement process. The FAR also includes standard solicitation provisions, contract clauses, and agency-specific supplements. First implemented on April 1, 1984, it has become the backbone of federal acquisition policy.

## Exploring Government Oversight

To ensure consistency and coordination in federal procurement policy, the Federal Acquisition Regulatory (FAR) Council was established under Title 41, Chapter 7, Section 421 of the Office of Federal Procurement Policy (OFPP) Act. The FAR Council oversees government-wide procurement regulatory activities, ensuring executive agency regulations align with the FAR and policies issued under Section 405 of Title 41.

The Council plays a key role in managing, coordinating, and monitoring changes to the FAR. Its membership includes:

- The Administrator for Federal Procurement Policy (Office of Management and Budget)
- The Secretary of Defense  
The Administrator of the National Aeronautics and Space Administration (NASA)
- The Administrator of General Services  
Through collaboration, the FAR Council ensures a centralized, consistent approach to federal procurement policy across agencies

## Unpacking the Numbers

There are 31 Supplemental FARs. For example, the Department of Defense has DFARS, which is geared toward Department of Defense contracts. A complete list of regulations can be viewed on the General Services Administration's (GSA)



acquisition site here: [www.acquisition.gov/content/regulations](http://www.acquisition.gov/content/regulations).

## Updating the Supplemental FAR

An agency's FAR supplement is designed to implement and supplement the FAR with guidance unique to the Agency. An update must follow a deliberate process to maintain the integrity of the policy.

### Identify the Need

Updates may stem from changes in the FAR, new federal guidance, or internal directives. Clearly defining the rationale ensures the update addresses the right priorities.

### Draft the Update

Thorough research and benchmarking against other federal agencies' policies help craft changes that meet the acquisition workforce's needs. Draft updates should clearly outline the scope of changes and their public impact. Engaging internal stakeholders early ensures alignment before proceeding with the rulemaking process.

### Publicize the Update

Collaborate with the Federal Register to publish the proposed rule and invite public comments. Feedback

from interested parties can uncover opportunities to refine and enhance the policy, ensuring it better serves the agency and its stakeholders.

### **Finalize and Communicate the Policy**

Incorporate public feedback to produce the final version of the FAR supplement. Communicate these updates clearly to the acquisition workforce and provide the necessary training and resources for effective implementation. A well-informed and prepared team ensures the success of the new policy.

By following this structured approach, agencies can ensure that FAR supplement updates are precise, effective, and well-received by all stakeholders.

### **Hierarchy Adds Complexity**

It is not just the process but also the hierarchy of sub-organization supplements to the primary organization on top of the FAR that adds complexity. For example, The Department of Defense has an overarching FAR supplement called the DFAR. However, each Military Department (Army, Navy, and Air Force) and other DoD Components (like States Special Operations Command (USSOCOM)) have a supplement to the DFAR.



Then, there is the DAR Council, with representatives from each military department and applicable DoD components. Contract and procurement support is provided at each echelon. The DAR Council is the vetting body for new downward-directed changes and allows Military Departments and DoD Components to identify their supplement changes and feed into the DFAR changes because they all need to be aligned. Additional dimensions of alignment and sequencing are also required.

## **Effective Communication: The Cornerstone of a Successful Supplemental Update**

The rulemaking process is inherently lengthy and complex, requiring careful coordination and collaboration to ensure FAR supplement updates are implemented correctly. Effective communication within the agency is a critical component of this process. By focusing on these areas, agencies can navigate the complexities of the rulemaking process more efficiently, ensuring timely and accurate updates to FAR supplements.

### **Understand Existing Processes**

A thorough understanding of the acquisition workforce's current operations is essential when developing policy updates. Partnering with those responsible for executing policies fosters collaboration and increases the likelihood of successful adoption.

### **Manage Internal Reviews**

Prior to publishing proposed updates in the Federal Register, the updates must undergo internal reviews by the Office of General Counsel (OGC) and key stakeholders. Proactively engaging with these groups to address concerns ensures smoother progress and minimizes schedule delays.

### **Prioritize Communication**

Clear communication is vital for ensuring updates are effectively integrated into the workforce. This includes establishing a robust distribution system, creating channels for feedback or questions, and providing comprehensive training to support the workforce in understanding and implementing the changes.

## Markon: Your Trusted Partner in Streamlining Updates

To streamline the complex process of FAR supplement updates, Markon has developed an industry-tested, customizable framework tailored to each client's unique needs via a robust five-step methodology designed to address agency-specific updates effectively and efficiently. Built on extensive real-world experience and refined through rigorous trial and error, our strategy leverages proven strategies to deliver reliable, adaptable results.

### Key Benefits

#### Comprehensive Regulation Reviews

We take a holistic approach, evaluating the agency's procurement scope and policy needs. Whether your agency handles extensive acquisitions or operates on a smaller scale, our process ensures your supplemental policies are aligned and optimized.

#### Gap Analysis of Requirements

By thoroughly reviewing FAR requirements, thresholds, definitions, and titles, we identify gaps and inconsistencies in your current policies, ensuring nothing critical is overlooked.



#### Update Audits for Compliance

Federal policies evolve constantly through Executive Orders, FAR rules, OMB memos, court decisions, and new legislation. Our process proactively addresses these changes to mitigate risks of non-compliance, preventing potential OIG and GAO audits or reports.

#### Overcoming Workforce and Training Challenges

Workload and training have long been pain points for the government acquisition workforce. Markon's tailored Management Plan empowers agencies to overcome these challenges, equipping their teams to manage demands and implement updates efficiently.

With Markon's expertise, your agency can not only meet the demands of FAR supplement updates but also position itself for long-term success with streamlined processes and actionable results.

### The Markon Method

Our proven approach combines a tailored checklist with a Management Plan and Standard Operating Procedure (SOP) to help agencies implement rule changes efficiently and effectively. By increasing approval chances, securing stakeholder buy-in, and following a clear communication strategy, the process ensures comprehensive success.

We integrate best practices in project and change management to create a seamless, repeatable rulemaking framework. A detailed questionnaire identifies policy and training gaps, addressing challenges such as inexperienced procurement staff, heavy workloads, and the failure to proactively adapt to acquisition legislation or regulatory updates. This approach empowers your team to overcome obstacles and avoid unnecessary setbacks.

1. Define the scope, communications, research, and risk mitigation
2. Assess the existing policy for impact areas, evaluate policy gaps, and develop your case for change
3. Maintain updates and quality control and ensure staff has proper training

4. Develop a comprehensive approach to identify goals, stakeholder impact, and communication plan
5. Implement updates to stakeholders and training on interpreting and incorporating new policies

### Save Time and Build Consensus

Our streamlined process accelerates rulemaking and fosters stakeholder buy-in by creating a well-trained workforce that understands the changes, their implications, and their responsibilities. This approach has proven to cut the time required to submit a rulemaking package to the Office of Regulation at Veterans Affairs by over 50%—reducing the timeline from 90 days to just 30.

Failing to address inefficiencies can lead to significant consequences, including heightened scrutiny from Congressional committees, the Office of the Inspector General (OIG), and the Government Accountability Office (GAO). These challenges often result in costly overruns and wasted time, underscoring the importance of an efficient, proactive rulemaking process.

### Explore more insights

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## CONTRIBUTORS

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## ABOUT MARKON

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