

FEB 07 2013



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Chief Financial Officer and**  
**Assistant Secretary for Administration**  
Washington, D.C. 20230

**PROCUREMENT MEMORANDUM 2013-06**

**ACTION**

**MEMORANDUM FOR: BUREAU PROCUREMENT OFFICIALS  
HEADS OF CONTRACTING OFFICES**

**FROM:** Barry E. Berkowitz / ~~signed~~  
Senior Procurement Executive and  
Director for Acquisition Management

**SUBJECT:** Cancellation of PM 2013-05;  
Issuance of PM 2013-06, FAR Class Deviation: Extension of Test  
Program for Certain Commercial Items (FAR 13.5)

This Procurement Memorandum (PM) 2013-06 cancels previously issued PM 2013-05 to correct a typographical error in the test program threshold amount. This PM 2013-06 and the supporting FAR Class deviation include the correct threshold of \$6.5 million, instead of \$5.5 million referenced in PM 2013-05.

**Background**

Federal Acquisition Regulation (FAR) Subpart 13.5 authorizes as a test program, the use of simplified procedures for the acquisition of certain commercial items in amounts greater than the simplified acquisition threshold, but not exceeding \$6.5 million, including options, if the contracting officer can reasonably expect that offers will include commercial items. FAR 13.500(d) authorizes the contracting officer to issue solicitations under this Subpart until January 1, 2012. Section 822 of the National Defense Authorization Act of Fiscal Year 2013, Public Law 112-239, extended authority for the test program to January 1, 2015. A FAR rule is in process to change the expiration date in FAR 13.500(d) from January 1, 2012 to January 1, 2015.

**Purpose**

The purpose of this memorandum is to issue a class deviation in accordance with FAR 1.404 so that Department contracting officers may continue to utilize the authority at FAR Subpart 13.5 to issue solicitations and contracts under the Commercial Items Test Program beyond the stated expiration date of January 1, 2012.

**Effective Date**

This class deviation is effective immediately and remains in effect until it is implemented in the FAR or otherwise rescinded.

My point of contact for this matter is Nancy Barrere, 202-482-5519 or [Nbarrere@doc.gov](mailto:Nbarrere@doc.gov) .

Attachment

cc: Acquisition Community  
Acquisition Council

**CLASS DEVIATION FROM THE FEDERAL ACQUISITION REGULATION**

**Subpart 13.5—Test Program for Certain Commercial Items**

**Determination and Findings**

In accordance with Civilian Agency Acquisition Council (CAAC) Letter 2013-02, Class Deviation from the Federal Acquisition Regulation (FAR) 13.5, Test Program for Certain Commercial Items, the Department of Commerce is authorizing a class deviation from FAR 13.500(d) Test Program for Certain Commercial Items.

**Findings**

Subpart 13.5 authorizes as a test program, the use of simplified procedures for the acquisition of certain commercial items in amounts greater than the simplified acquisition threshold, but not exceeding \$6.5 million, including options, if the contracting officer can reasonably expect that offers will include only commercial items. FAR 13.500(d) authorizes the contracting officer to issue solicitations under this Subpart until January 1, 2012.

Section 822 of the National Defense Authorization Act for Fiscal Year 2013, Public Law 112-239, extended the test program until January 1, 2015. Section 822(a) strikes out "2012" and inserts "2015."

A class deviation is necessary so that Department contracting officers may continue processing solicitations and contracts under Subpart 13.5 pending implementation of the new expiration date in FAR.

**Determination**

In accordance with FAR 1.404, I hereby authorize this class deviation so that contracting officers may continue to use the authority in Subpart 13.5, Test Program for Certain Commercial Items, to issue solicitations and award contracts beyond the stated expiration date of January 2012. A FAR rule is in process to change the date of expiration of the test program to January 1, 2015.

This class deviation will remain in effect until rescinded or implemented in FAR.

**Signed**

Approved: \_\_\_\_\_  
Barry E. Berkowitz  
Senior Procurement Executive and  
Director for Acquisition Management

2/7/13  
Date: \_\_\_\_\_