



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

JAN 15 2015

PROCUREMENT MEMORANDUM 2015-01

ACTION

MEMORANDUM FOR: Bureau Procurement Officials
Heads of Contracting Offices

FROM: Barry E. Berkowitz **Signed**
Senior Procurement Executive and *[Signature]*
Director for Acquisition Management *for*

SUBJECT: Class Deviation from the Federal Acquisition Regulation (FAR)
Subpart 13.5, Test Program for Certain Commercial Items

Purpose

The purpose of this Procurement 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 under the Commercial Items Test Program beyond the stated expiration date of January 1, 2015.

Background

Currently, FAR 13.500(d) indicates the authority to issue solicitations under Subpart 13.5 expires on January 1, 2015. However, Section 815 of the National Defense Authorization Act of Fiscal Year 2015 makes the authority permanent. An expedited FAR case is being processed to delete the expiration date for the program at FAR 13.500(d).

Required Action

Contracting Officers shall use the attached deviation from the FAR.

Effective Date

This class deviation is effective until it is incorporated into the FAR or is otherwise rescinded.

My point of contact is Nancy Barrere, who may be reached at 202-482-5519 or nbarrere@doc.gov.

Attachment

cc: Acquisition Community

Attachment

Subpart 13.5—Test Program for Certain Commercial Items (Class Deviation) (January 2015)

13.500 General.

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~~(d) The authority to issue solicitations under this subpart expires on January 1, 2015. Contracting Officers may award contracts after expiration of this authority for solicitations issued before the expiration of the authority.~~

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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 2015-01, Class Deviation from the Federal Acquisition Regulation (FAR) Subpart 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) currently authorizes the contracting officer to issue solicitations under this Subpart until January 1, 2015.

Section 815 of the National Defense Authorization Act of Fiscal Year 2015 makes the authority to issue solicitations under Subpart 13.5 permanent. An expedited FAR case is being processed to delete the expiration date for the program at FAR 13.500(d).

A class deviation is necessary so that Department contracting officers may continue processing solicitations and contracts under Subpart 13.5 pending implementation of permanent authority in the 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 beyond the current expiration date of January 15, 2015, pending deletion of the expiration date at FAR 13.500(d).

This class deviation shall remain in effect until implemented in the FAR or otherwise rescinded.

Signed

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

1-16-2015
Date: