



Homeland  
Security

DEC 31 2014

**MEMORANDUM FOR:** Department of Homeland Security  
Heads of the Contracting Activities

**FROM:**

*[Signature]* Daniel L. Clever *[Signature]*  
Acting Chief Procurement Officer

**SUBJECT:**

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

**Purpose:** This class deviation is issued in accordance with FAR 1.404, to delete FAR 13.500(d). By deleting the expiration date of the test program, contracting officers at the Department of Homeland Security may continue to use the authority at FAR Subpart 13.5 to issue solicitations and award contracts under the Commercial Items Test Program beyond the stated expiration date of January 1, 2015.

**Effective Date:** Immediately

**Background:** On December 29, 2014, the Civilian Agency Acquisition Council (CAAC) issued Civilian Agency Acquisition Letter 2015-01 encouraging civilian agencies to issue a class deviation to extend permanently the authority of the test program. FAR Subpart 13.5 authorizes, as a test program, the use of simplified procedures for acquisition of certain commercial items in amounts greater than the simplified acquisition threshold, but not exceeding \$6.5 million (\$12 million for acquisitions as described in 13.500(e)). Section 815 of the National Defense Authorization Act for Fiscal Year 2015, Public Law 113-291, extended permanently the authority for the test program. The CAAC is expediting a FAR case to delete the date of expiration for the program at FAR 13.500(d).

**Expiration Date:** This class deviation will remain in effect until rescinded or until publication of the forthcoming FAR final rule that will serve to extend the test program for certain commercial items permanently.

**Attachments:**

- DHS Class Deviation from the Federal Acquisition Regulations (FAR) Subpart 13.5 – Test Program for Certain Commercial Items, dated December 31, 2014
- Civilian Agency Acquisition Letter 2015-01, dated December 29, 2014

**Additional Information:** Questions or comments about this class deviation may be directed to David Duda at (202) 447-5415, or by email at [David.Duda@hq.dhs.gov](mailto:David.Duda@hq.dhs.gov)

**Class Deviation from the Federal Acquisition Regulation (FAR)  
Subpart 13.5 – Test Program for Certain Commercial Items**

**Findings**

On December 29, 2014, the Civilian Agency Acquisition Council issued Civilian Agency Acquisition Letter 2015-01 encouraging civilian agencies to issue a class deviation to extend permanently the authority of the test program.

Subpart 13.5 authorizes, as a test program, use of simplified procedures for the acquisition of supplies and services in amounts greater than the simplified acquisition threshold but not exceeding \$6.5 million (\$12 million for acquisitions as described in 13.500(e)), including options, if the contracting officer reasonably expects, based on the nature of the supplies or services sought, and on market research, that offers will include only commercial items.

FAR 13.500(d) authorized the issuance of solicitations under this test program until January 1, 2015. Section 815 of the National Defense Authorization Act for Fiscal Year 2015, Public Law 113-291, extended permanently the authority for the test program.

**Determination**

In accordance with FAR 1.404, I hereby issue a class deviation to delete FAR 13.500(d). This deviation enables contracting officers at the Department of Homeland Security to continue to use the authority in FAR Subpart 13.5 beyond the stated expiration date of January 1, 2015.

An expedited FAR case is being processed to extend permanently the authority of the test program. This class deviation will remain in effect until rescinded or until publication of a final rule that will extend the test program for certain commercial items.

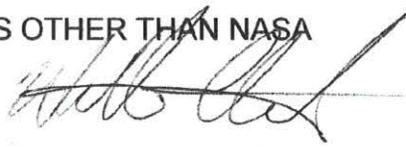
  
Daniel L. Clever  
Acting Chief Procurement Officer  
Department of Homeland Security

12/31/2014  
Date



December 29, 2014

MEMORANDUM FOR CIVILIAN AGENCIES OTHER THAN NASA

FROM: WILLIAM F. CLARK   
CHAIR  
CIVILIAN AGENCY ACQUISITION COUNCIL (CAAC)

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

This memorandum serves as consultation for agency class deviations to extend permanently the Commercial Item Test Program at FAR subpart 13.5. Section 815 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015, Public Law 113-291, extended permanently the authority for the test program.

An expedited FAR case is being processed to delete the date of expiration for the program at FAR 13.500(d). Pending issuance of the final FAR rule, agencies may authorize a class deviation in accordance with FAR 1.404, to delete FAR 13.500(d).

This CAAC memorandum constitutes consultation with the Chair of the CAAC required by FAR 1.404(a)(1). Agencies are reminded that FAR 1.404 requires agencies to furnish a copy of each approved class deviation to the Regulatory Secretariat, General Services Administration, 1800 F Street, NW, 2<sup>nd</sup> Floor, ATTN: Hada Flowers, Washington, DC, 20405. Agencies may also email the deviation to Ms. Flowers at [hada.flowers@gsa.gov](mailto:hada.flowers@gsa.gov) or send by fax to 202-501-4067.

If you have any questions or require additional information regarding this memorandum, please contact Michael O. Jackson at (202) 208-4949 or by email at [michaelo.jackson@gsa.gov](mailto:michaelo.jackson@gsa.gov).