

**U.S. Department Of Agriculture  
Departmental Management  
Office of Procurement and Property Management**

**FAR CLASS DEVIATION**

**SUBJECT:** Class Deviation from Federal Acquisition Regulation (FAR) subpart 13.5, *Test Program for Certain Commercial Items*.

**FINDINGS AND DISCUSSION:**

1. (a) FAR 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 FAR 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. Under this test program, contracting officers may use any simplified acquisition procedure in this subpart, subject to any specific dollar limitation applicable to the particular procedure. The purpose of this test program is to vest contracting officers with additional procedural discretion and flexibility, so that commercial item acquisitions in this dollar range may be solicited, offered, evaluated, and awarded in a simplified manner that maximizes efficiency and economy and minimizes burden and administrative costs for both the Government and industry (10 U.S.C. 2304(g) and 2305 and 41 U.S.C. 253(g) and 253a and 253b).

(b) Currently, FAR 13.500(d) indicates that the authority to issue solicitations under subpart 13.5 expired on January 1, 2012. However, section 822 of the National Defense Authorization Act (NDAA) for Fiscal Year 2013, Public Law 112-239, extended the test program to January 1, 2015.

2. On January 14, 2013, the Civilian Agency Acquisition Council (CAAC) issued Letter 2013-02 to serve as consultation for agency class deviations to extend the Commercial Item Test Program in FAR subpart 13.5.

3. An expedited FAR case is being processed to change the expiration date for the program in FAR 13.500(d).

4. This deviation will be effective until it is incorporated into the FAR or is otherwise rescinded.

**DETERMINATION:**

In accordance with the FY2013 NDAA and CAAC Letter 2013-02, a FAR class deviation is hereby issued extending authority to issue solicitations under this subpart until January 1, 2015.

  
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Lisa Wilusz  
Senior Procurement Executive

1-23-13  
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Date