



U.S. Department of Justice

Justice Management Division

Management and Planning Staff

February 29, 2008

Washington, D.C. 20530

MEMORANDUM FOR BUREAU PROCUREMENT CHIEFS

FROM: *for Larry Silvia*
H.B. Myers
Assistant Director
Procurement Policy and Review Group

SUBJECT: Procurement Guidance Document (PGD) 08-02, Class Deviation, Extension of
Authority to use SAP for Commercial Items.

Attached is a class deviation for using the test program in FAR 13.5 which authorizes the use of simplified acquisition procedures for the acquisition of commercial items up to \$5 million. This authority expired January 1, 2008 and the FAR Councils are preparing a FAR case that will extend it through January 1, 2010.

This PGD 08-02 will expire when the above time extension is added to the FAR.

Attachment




U.S. Department of Justice

FEB 26 2008

Washington, D.C. 20530

MEMORANDUM FOR THE ASSISTANT ATTORNEY GENERAL
FOR ADMINISTRATION

FROM: Michael H. Allen 
Procurement Executive


SUBJECT: Class Deviation from the Federal Acquisition Regulation

In accordance with the Federal Acquisition Regulation (FAR) 1.404(a) and the Justice Acquisition Regulation 2801.404, your approval to deviate from the requirements in proposed FAR subpart 13.500(d) is requested. The Chairperson, Civilian Agency Acquisition Council (CAAC) has given written concurrence for the issuance of this class deviation as required in FAR 1.404.

FAR subpart 13.5 authorizes, as a test program, the use of simplified procedures for the acquisition of supplies and services in amounts greater than the simplified acquisition threshold but not exceeding \$5 million 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) has an expiration date for this test authority of January 1, 2008.

Language to extend this test authority for all agencies was included in Section 822 of the National Defense Authorization Act for Fiscal Year 2008, Public Law 110-181. The Defense appropriations bill was vetoed and the Chairman of the Civilian Agency Acquisition Council has recommended that civilian agencies authorize a class deviation in accordance with FAR 1.404 to extend the program. An expedited FAR case is being processed to change the date of expiration for the program.

This class deviation is to extend the program coverage for the period January 1, 2008 until the FAR is amended to authorize the new test period through January 1, 2010.

Approved: 
Lee J. Lofthus
Assistant Attorney General
for Administration

Date: 2-28-08