



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

FEB 26 2008

PROCUREMENT MEMORANDUM 2008-02

ACTION

MEMORANDUM FOR: **Heads of Contracting Offices**

FROM:

Leslie Andreas
Leslie Andreas, Director
Commerce Acquisition Performance, Policy,
and Support Division
Office of Acquisition Management

SUBJECT:

Class Deviation: Extension of Test Program for Certain
Commercial Items (FAR 13.5)

In accordance with the attached class deviation, the Department is authorized to deviate from the requirements of Federal Acquisition Regulation (FAR) Subpart 13.500(d) Test Program for Certain Commercial Items, which provides for an expiration date of January 1, 2008. The recently enacted Fiscal Year 2008 National Defense Authorization Act extended the Test Program's expiration date to January 1, 2010.

This class deviation is effective immediately and remains in effect until implemented in FAR or otherwise rescinded.

My point of contact for this memorandum is Nancy Barrere, Procurement Analyst, who may be reached at 202-482-5519 or Nbarrere@doc.gov.

Attachment

**Attachment to
Procurement Memorandum 2008-02**

**CLASS DEVIATION FROM THE FEDERAL ACQUISITION REGULATION
(FAR)**

Subpart 13.5—Test Program for Certain Commercial Items

Determination and Findings

Under the authority granted by Civilian Agency Acquisition Council (CAAC) Letter 2008-01, Class Deviation from the Federal Acquisition Regulation (FAR) 13.5, Test Program for Certain Commercial Items, the Department of Commerce is authorized a class deviation from the Federal Acquisition Requirement 13.500(d) Test Program for Certain Commercial Items.

Findings

The existing test program for Certain Commercial Items in FAR 13.5 expired on January 1, 2008. Section 822 of the National Defense Authorization Act for Fiscal Year 2008, Public Law 110-181, extended the test program until January 1, 2010. That section of the Act reads:

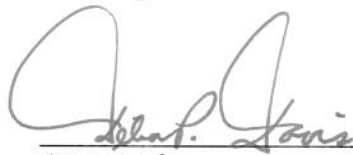
Sec. 822. Extension of Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items.

(a) Extension – Section 4202(e) of the Clinger-Cohen Act of 1996 (division D of Public Law 104-106; 110 Stat.652; 10 U.S.C. 2304 note) is amended by striking ‘January 1, 2008’ and inserting ‘January 1, 2010’.

An expedited FAR case is being processed to change the date of expiration for the program in FAR 13.500(d) This class deviation is necessary so that Departmental contracting officers can continue processing solicitations and contracts under Subpart 13.5 pending implementation in the FAR.

Determination

This class deviation is issued in accordance with FAR 1.404. Consultation and approval for the deviation is granted under CAAC Letter 2008-01. The deviation shall remain in effect until implemented in the FAR or otherwise rescinded, whichever occurs first .



for Approved:
Al Sligh, Jr
Senior Procurement Executive and Director
Office of Acquisition Management

Feb. 26, 2008
Date: