



UNITED STATES DEPARTMENT OF EDUCATION

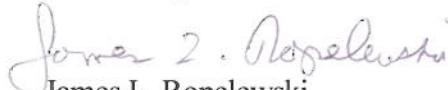
OFFICE OF THE CHIEF FINANCIAL OFFICER

January 29, 2015

ACQUISITION ALERT 2015-01

TO: Contracting Officers and Contract Specialists

FROM:


James L. Ropelewski
Senior Procurement Executive

SUBJECT: Class Deviation – Permanent Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items

The purpose of this Alert is to issue a class deviation in accordance with Federal Acquisition Regulation (FAR) 1.404, in order that Contracting Officers at the Department of Education may continue to utilize 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.

On December 29, 2014, the Civilian Agency Acquisition Council (CAAC) issued Civilian Agency Acquisition Letter 2015-1, which recommended that civilian agencies issue a class deviation to extend the authority to issue solicitations under FAR Subpart 13.5. This subpart 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 \$5.5million (\$11 million acquisitions as described in FAR 13.500(e)). The FAR authorized Contracting Officers to issue solicitations under this subpart until January 1, 2015. Section 815 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act of 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 the expiration from the program at FAR 13.500(d). Pending the final FAR rule, it is reasonable and practical for the Department to issue a class deviation in accordance with FAR 1.404 to extend the authorities of this program.

Effective immediately, Contracting Officers shall use the attached deviation from (FAR) 13.5, Test Program for Certain Commercial Items.

This class deviation is effective until it is incorporated in the FAR or is otherwise rescinded. The designated point of contact is Matt Healey, who may be reached at 202-245-8459, or matthew.healey@ed.gov.

Attachment:

- Class Deviation from FAR Subpart 13.5, dated January 22, 2015
- CAAC Letter 2015-1, dated December 29, 2014

550 12th St. S.W., WASHINGTON, DC 20202
www.ed.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 (CAAC) issued Civilian Agency Acquisition Letter 2015-1, which recommended that civilian agencies issue a class deviation to extend the authority to issue solicitations under FAR Subpart 13.5.

This subpart 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 \$5.5million (\$11 million 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 mark research, that offers will include only commercial items. FAR 13.500(d) provided authority to issue solicitations under this test program until January 1, 2015.

Section 815 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act of 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 the expiration from the program at FAR 13.500(d).

Determination

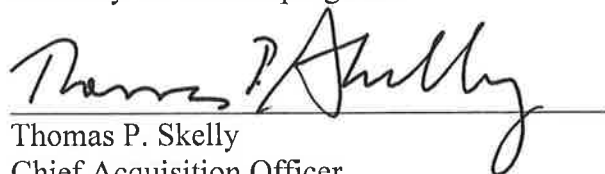
In accordance with FAR 1.404, I hereby issue a class deviation so that Contracting Officers at the Department of Education may continue to use the authority in FAR Subpart 13.5 to issue solicitations and award contracts beyond the stated expiration date of January 1, 2015. Effective immediately, FAR 13.500(d) shall be read as if deleted from the FAR:

Subpart 13.5—Test Program for Certain Commercial Items

13.500 General.

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

An expedited FAR case is being processed to delete FAR 13.500(d). This class deviation will remain in effect until rescinded or until publication of a final rule extending permanently the authority for the test program.



Thomas P. Skelly
Chief Acquisition Officer
U.S. Department of Education

1/29/15
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, 2nd Floor, ATTN: Hada Flowers, Washington, DC, 20405. Agencies may also email the deviation to Ms. Flowers at 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.