Date: January 16, 2015

From: Associate Deputy Assistant Secretary for Procurement Policy, Systems and Oversight (003A2) and Deputy Senior Procurement Executive (DSPE)

Subj: Class Deviation – Permanent Authority for Use of Simplified Acquisition Procedures under Federal Acquisition Regulation (FAR) 13.5, Test Program for Certain Commercial Items

To: Head of Contracting Activities (HCA)

1. **Purpose:** This deviation extends permanently the authority under Federal Acquisition Regulation (FAR) 13.5, Test Program for Certain Commercial Items

2. **FAR Parts Impacted:** FAR part 13, Simplified Acquisition Procedures.

3. **Effective Date:** Immediately.

4. **Expiration Date:** Effective until incorporated in the FAR, VAAR, or is otherwise rescinded.

5. **Background:**
   a. **Civilian Agency Acquisition Council (CAAC) Guidance:**

      On December 29, 2014, the CAAC issued a memorandum regarding a Class Deviation 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 (NDAA) for Fiscal Year 2015, Public Law 113-291, extended permanently the authority for the test program.

   b. **Current Policy:**

      The FAR currently indicates that the authority to issue solicitations under subpart 13.5 expires on January 1, 2015.

   c. **Need for Deviation:**

      Pending issuance of the final FAR rule, this deviation, in accordance with FAR 1.404, will delete FAR 13.500(d).
d. **New Policy:**

This deviation will authorize contracting officers to permanently issue solicitations under FAR 13.5, Test Program for Certain Commercial Items.

e. **Applicability:**

This policy applies to all procurements subject to FAR Subpart 13.5, Test Program for Certain Commercial Items.

6. **Attachment:**

Civilian Agency Acquisition Letter 2015-01, Class Deviation from the Federal Acquisition Regulation (FAR) Subpart 13.5, Test Program for Certain Commercial Items.

7. **Additional Information:** Questions or comments regarding this class deviation may be directed to Procurement Policy Service, at (202) 632-5288 or VA.Procurement.Policy@va.gov.

/s/
C. Ford Heard III
ADAS for Procurement, Policy, Systems and Oversight
Findings

On December 29, 2014, the CAAC issued a memorandum regarding a Class Deviation 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 (NDAA) for Fiscal Year 2015, Public Law 113-291, extended permanently the authority for the test program.

The Department of Veterans Affairs (VA) is issuing this class deviation to provide its Acquisition Workforce with the most up to date statutory guidance. Without the class deviation, the VA Acquisition Workforce is operating with the conflicting language between the mandatory Public Law 113-291 and FAR 13.500(d).

The Class Deviation (Attachment), provided with the aforementioned CAAC letter, allows agencies to deviate from the date of expiration outlined in FAR 13.500(d). This deviation shall only be used until the final FAR rule is published.

Determination

In accordance with FAR 1.404 and VA Acquisition Regulation (VAAR) 801.404, I hereby issue a class deviation to authorize contracting officers to permanently use the Commercial Item Test Program at FAR subpart 13.5.

/s/ C. Ford Heard III 1/16/15
Deputy Senior Procurement Executive
Class Deviation

Subpart 13.5 – Test Program for Certain Commercial Items (DEVIATION) (December 2014)

13.500 General

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.