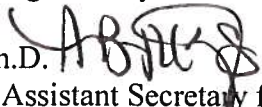




JAN 17 2013

Washington DC 20201

TO: Heads of Contracting Activity

FROM: Angela Billups, Ph.D. 
Associate Deputy Assistant Secretary for Acquisition
Senior Procurement Executive

SUBJECT: Class Deviation from FAR 13.5 – Extension of Test Program for Certain Commercial Items

The “Test Program for Certain Commercial Items” under FAR Subpart 13.5 expired on January 1, 2012. Section 822 of the National Defense Authorization Act (NDAA) for Fiscal Year 2013, Public Law 112-239 extends this test program until January 1, 2015. Thus, effective immediately, we hereby grant a Department-wide class deviation from FAR 13.500(d) to extend the test program’s expiration date to January 1, 2015. This class deviation remains in effect until implemented in the FAR.

FAR 1.404, “Class Deviation”, requires HHS and other civilian agencies to consult with the Chairman of the Civilian Agency Acquisition Council (CAAC) regarding class deviations. The attached memorandum from the CAAC Chairman satisfies that consultation requirement. The consultation states that an expedited FAR case is being processed to change the date of expiration for the test program in FAR 13.500(d) to January 1, 2015.

As a result of this class deviation, HHS contracting officers may issue solicitations and award contracts using the test program procedures under FAR Subpart 13.500(d), pending issuance of the FAR rule that will change the test program’s expiration date from January 1, 2012 to January 1, 2015.

If you have any questions on this class deviation, please contact Cheryl Howe at cheryl.howe@hhs.gov.

Attachment