



National Aeronautics and  
Space Administration  
Washington, DC 20546

Deactivated with issuance of PIC 13-01 on 1/17/2013

# Procurement Class Deviation

PCD 09-16  
December 29, 2009

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## CLASS DEVIATION TO EXTEND THE TEST PROGRAM FOR CERTAIN COMMERCIAL ITEMS AT FAR 13.5

**PURPOSE:** To provide a class deviation that temporarily extends the Test Program for Certain Commercial Items under Subpart 13.5, pending implementation of a revised expiration date in the Federal Acquisition Regulation.

**BACKGROUND:** FAR 13.500(d) currently provides an expiration date of January 1, 2010 for providing the authority to issue solicitations under Subpart 13.5 Test Program for Certain Commercial Items. As a result of the enactment of the National Defense Authorization Act for Fiscal Year 2010 (P.L. 111-84), the expiration date for the test program has been extended to January 1, 2012. A FAR case is in the process of being publicized in the Federal Register to effect this change in date to FAR 13.500(d).

**GUIDANCE:** This deviation authorizes contacting officers to continue processing solicitations and contracts under FAR Subpart 13.5 until implementation of FAR language which extends the expiration date for the test program for certain commercial items to January 1, 2012.

**EFFECTIVE DATE:** This PIC is effective as dated and shall remain in effect until implemented in FAR, or otherwise rescinded.

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Enclosure

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NOTE: Class Deviations dated prior to June of 2015 were issued as Procurement Information Circulars in lieu of PCDs, the reformatting of this class deviation revises the designation to a PCD and standardizes the PCD formatting.

**13.500 General.**

(a) This subpart authorizes, as a test program, use of simplified procedures for the acquisition of supplies and services in amounts greater than the simplified acquisition threshold but not exceeding \$5.5 million (\$11 million for acquisitions as described in 13.500(e)), 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. Under this test program, contracting officers may use any simplified acquisition procedure in this part, subject to any specific dollar limitation applicable to the particular procedure. The purpose of this test program is to vest contracting officers with additional procedural discretion and flexibility, so that commercial item acquisitions in this dollar range may be solicited, offered, evaluated, and awarded in a simplified manner that maximizes efficiency and economy and minimizes burden and administrative costs for both the Government and industry ([10 U.S.C. 2304\(g\)](#) and 2305 and [41 U.S.C. 253\(g\)](#) and 253a and 253b).

(b) For the period of this test, contracting activities must employ the simplified procedures authorized by the test to the maximum extent practicable.

(c) When acquiring commercial items using the procedures in this part, the requirements of [Part 12](#) apply subject to the order of precedence provided at 12.102(c). This includes use of the provisions and clauses in [Subpart 12.3](#).

(d) The authority to issue solicitations under this subpart expires on January 1, 2010 **2012**. Contracting officers may award contracts after the expiration of this authority for solicitations issued before the expiration of the authority.

(e) Under [41 U.S.C. 428a](#), the simplified acquisition procedures authorized by this test program may be used for acquisitions that do not exceed \$11 million when—

(1) The acquisition is for commercial items that, as determined by the head of the agency, are to be used in support of a contingency operation or to facilitate the defense against or recovery from nuclear, biological, chemical, or radiological attack; or

(2) The acquisition will be treated as an acquisition of commercial items in accordance with 12.102(f)(1).