




Pension Benefit Guaranty Corporation
1200 K Street, N.W., Washington, D.C. 20005-4026

January 31, 2013

TO: Procurement Department
FROM: A. Steve Block 
Director
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 an Agency-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 PBGC and other civilian agencies to consult with the Chairman of the Civilian Agency Acquisition Council (CAAC) regarding class deviations. The consultation states that an expedited FAR case is being processed to change the date of the expiration for the test program in in FAR 13.500(d) to January 1, 2015.

As a result of this class deviation, PBGC 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 Steven Kvalevog at kvalevog.steven@pbgc.gov.

Attachment: GSA Memorandum regarding Class Deviation for Extension of Test Programs for Certain Commercial Items.

MEMORANDUM FOR CIVILIAN AGENCIES OTHER THAN NASA

January 14, 2013

TO: Heads of Contracting Activity
FROM: LAURA AULETTA /s/
CHAIR
CIVILIAN AGENCY ACQUISITION COUNCIL (CAAC)
SUBJECT: Class Deviation from the Federal Acquisition Regulation (FAR) 13.5, Test Program for Certain Commercial Items

This memorandum serves as consultation for agency class deviations to extend the Commercial Item Test Program in FAR 13.5. Section 822 of the National Defense Authorization Act for Fiscal Year 2013, Public Law 112-239, extended the authority for the test program until January 1, 2015.

An expedited FAR case is being processed to change the date of expiration for the program in FAR 13.500(d). Pending issuance of the final FAR rule, agencies may authorize a class deviation in accordance with FAR 1.404 to change the program expiration date in FAR 13.500(d) to January 1, 2015.

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 FAR Secretariat, General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street, NE, 7th Floor, ATTN: Hada Flowers, Washington, DC, 20417. 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 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.

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