

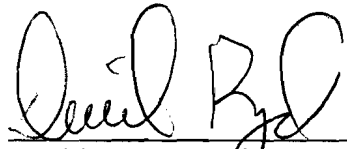
CLASS DEVIATION FINDINGS AND DETERMINATION
Commercial Items Test Program
FAR 13.500(d)

Findings


1. Section 4202(e) of the Clinger-Cohen Act of 1996 (Division D of Pub. L. 104-106; 110 Stat. 654; 10 U.S.C. 2304 note); authorized a test program whereby commercial item acquisitions could be made using simplified acquisition procedures up to \$5.5 million dollars. The expiration date of this authority had been extended to January 1, 2012 by Section 822 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 226). That authority expired January 1, 2010.
2. The authority has been extended to January 1, 2012 by Section 816 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2408).
3. Civilian Agency Acquisition Council Letter 2009-04 has been issued recommending the agencies authorize issuance of a class deviation for such acquisitions while a Federal Acquisition Regulation (FAR) Case is in process to amend FAR 13.500 to state the revised expiration date.

Determination

It is hereby determined that a class deviation from FAR 13.500(d) is appropriate to allow the use of simplified acquisition procedures for the acquisition of commercial items up to \$5.5 million dollars [\$11 million dollars for the acquisition of commercial items under FAR 13.500(e)]. This authority is valid through January 1, 2012.



David O. Boyd, Director
Office of Acquisition and
Supply Management, NNSA



Edward M. Simpson, Director
Office of Procurement and
Assistance Management, DOE

Attachment: CAAC Letter 2009-04