

# Part 801 - Department of Veterans Affairs Acquisition Regulation System

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AUTHORITY: 40 U.S.C. 121(c); 41 U.S.C. 1121; 41 U.S.C. 1303; 41 U.S.C. 1702; and 48 CFR 1.301-1.304.

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#### 801.000 Scope of part.

This part sets out general Department of Veterans Affairs (VA) Acquisition Regulation (VAAR) policies, including information regarding the maintenance and administration of the VAAR, acquisition policies and practices, and procedures for deviation from the VAAR and the [Federal Acquisition Regulation \(FAR\)](#).

### **Subpart 801.1 - Purpose, Authority, Issuance**

#### **801.101 Purpose.**

(a) VA established the VAAR to codify and publish uniform policies and procedures for VA's acquisition of supplies and services, including construction.

(b) The VAAR implements and supplements the [FAR](#).

#### **801.103 Authority.**

The Secretary issues the VAAR under the authority of 40 U.S.C. 121(c), Title 48 of the Code of Federal Regulations (CFR) 1.301 through 1.304, and other authorities as cited.

#### **801.104 Applicability.**

(a) Unless otherwise specified in this chapter or excepted by statute (i.e., expenditures of the VA Canteen Service) or other VA regulations, the [FAR](#) and VAAR apply to all VA acquisitions (including construction) made with appropriated funds. Supply Fund monies (38 U.S.C. 8121) and General Post Funds (38 U.S.C. 8302) are appropriated funds.

(b) Use the VAAR and the [FAR](#) together. The [FAR](#) applies to VA acquisitions except as provided in the VAAR.

#### **801.104-70 Exclusions.**

The [FAR](#) and VAAR do not apply to purchases and contracts that use General Post Funds if using the [FAR](#) and the VAAR would infringe upon a donor's right to specify the exact item to be purchased and/or the source of supply (38 U.S.C. 8303).

#### **801.105 Issuance**

##### **801.105-2 Arrangement of regulations.**

(a) General. The VAAR is divided into subchapters, parts (each of which covers a separate aspect of acquisition), subparts, sections, and subsections.

(b) Numbering. (1) The numbering system permits the discrete identification of every VAAR paragraph. The digits to the left of the decimal point represent the part number. The numbers to the right of the decimal point and to the left of the dash represent, in order, the subpart (one or two digits), and the section (two digits). The number to the right of the dash represents the subsection.

Subdivisions may be used at the section and subsection level to identify individual paragraphs.

(2) Subdivisions below the section or subsection level consist of parenthetical alphanumerics using the following sequence: (a)(1)(i)(A)(1)(i).

(c) References and citations. (1) Unless otherwise stated, cross-references indicate parts, subparts, sections, subsections, paragraphs, subparagraphs, or subdivisions of this Chapter.

(2) This Chapter may be referred to as the “Department of Veterans Affairs Acquisition Regulation” or the “VAAR”.

(3) Using the VAAR coverage at 809.106-4(c) as a typical illustration, reference to the-

(i) Part would be “VAAR Part 809” outside the VAAR and “Part 809” within the VAAR.

(ii) Subpart would be “VAAR Subpart 809.1” outside the VAAR and “Subpart 809.1” within the VAAR.

(iii) Section would be “VAAR 809.106” outside the VAAR and “809.106” within the VAAR.

(iv) Subsection would be “VAAR 809.106-4” outside the VAAR and “809.106-4” within the VAAR.

(v) Paragraph would be “VAAR 809.106-4(c)” outside the VAAR and “809.106-4(c)” within the VAAR.

(4) Citations of authority (e.g., statutes or Executive orders) in the VAAR shall follow the Federal Register form guides.

**801.106 OMB approval under the Paperwork Reduction Act.**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3521), the Office of Management and Budget (OMB) has approved the reporting or recordkeeping provisions that are included in the VAAR and has given VA the following approval numbers:

<b>48 CFR part or section where identified and described</b>	<b>Current OMB Control No.</b>	<b>48 CFR part or section where identified and described</b>	<b>Current OMB Control No.</b>
<a href="#">809.106-1</a>	2900-0418	<a href="#">852.228-71</a>	2900-0590
<a href="#">809.504(d)</a>	2900-0418	<a href="#">852.232-70</a> - <a href="#">852.232-71</a>	2900-0422
<a href="#">813</a>	2900-0393	<a href="#">852.236-72</a>	2900-0422
<a href="#">832.202-4</a>	2900-0688	<a href="#">852.236-79</a>	2900-0208
<a href="#">836.606-71</a>	2900-0208	<a href="#">852.236-80 (Alt. I)</a>	2900-0422
<a href="#">852.207-70</a>	2900-0590	<a href="#">852.237-70</a>	2900-0590
<a href="#">852.209-70</a>	2900-0418	<a href="#">852.237-73</a>	2900-0863
<a href="#">852.211-70</a>	2900-0587	<a href="#">852.243-70</a>	2900-0422
<a href="#">852.211-72</a>	2900-0586	852.270-3	2900-0589

## **Subpart 801.2 - Administration**

### **801.201 Maintenance of the FAR.**

#### **801.201-1 The two councils.**

Revisions to the [FAR](#) are prepared and issued through the coordinated action of two councils, the Defense Acquisition Regulations Council and the Civilian Agency Acquisition Council. A designee of the Office of Acquisition and Materiel Management will represent VA on the Civilian Agency Acquisition Council.

## **Subpart 801.3 - Department Acquisition Regulations**

[Deviation per [Class Deviation](#)-VAAR 801.304, Department Control and Compliance Procedures, dated April 16, 2012 and effective the same date, changes the Deputy Senior Procurement Executive (DSPE) designation from the Associate Deputy Assistant Secretary (ADAS) for Acquisition to the ADAS for Procurement Policy, Systems and Oversight. Additionally, the offices and titles for the Chief Acquisition Officer (CAO) and Senior Procurement Executive (SPE) are updated to reflect the current organizational structure. This deviation is effective until cancelled.]

### **801.304 Department control and compliance procedures.**

The Executive Director, Office of Acquisition, Logistics, and Construction is designated as the Department's Acting Chief Acquisition Officer. The Deputy Assistant Secretary (DAS) for Acquisition and Logistics is designated as the Department's Senior Procurement Executive (SPE). The Associate DAS for Procurement, Policy, Systems, and Oversight is designated as the Deputy Senior Procurement Executive (DSPE). The DSPE is responsible for amending the VAAR for compliance with [FAR 1.304](#).

## **Subpart 801.4 - Deviations from the FAR or VAAR**

### **801.403 Individual deviations.**

(a) Authority to authorize individual deviations from the [FAR](#) and VAAR is delegated to the SPE and is further delegated to the DSPE.

(b) When a contracting officer considers it necessary to deviate from the policies in the [FAR](#) or VAAR, the contracting officer, in accordance with Administration or staff office procedures, must submit a request through the HCA to the DSPE for authority to deviate.

(c) The request to deviate must clearly state the circumstances warranting the deviation and the nature of the deviation.

(d) The DSPE may authorize individual deviations from the [FAR](#) and VAAR when an individual deviation is in the best interest of the Government. When the DSPE authorizes a deviation, the contracting officer must file the authorization in the purchase order or contract file.

### **801.404 Class deviations.**

Authority to authorize class deviations from the [FAR](#) and VAAR is delegated to the SPE and is further delegated to the DSPE. The DSPE may authorize class deviations from the [FAR](#) and VAAR when a class deviation is in the best interest of the Government. The DSPE must comply with the provisions of [FAR 1.404](#) through the SPE.

## **Subpart 801.6 - Career Development, Contracting Authority, and Responsibilities**

### **801.601 General.**

(a) The HCA or the DSPE, within their authority, may appoint a contracting officer under [FAR 1.603](#) and VA's Contracting Officer Certification Program (COCP).

(b) In addition, the HCA may delegate micro-purchase authority to VA employees under VA's purchase card program.

(c) An individual may not commit the Government for purchases of supplies, equipment, or services unless the individual has received delegated contracting authority as a contracting officer or purchase card holder or as provided in [801.670](#). Individuals making such commitments or acting beyond the scope of their authority may be held financially liable.

### **801.602 Contracting officers.**

(a) Except as otherwise provided by statute, VA regulations, the VAAR, or the [FAR](#), the authority vested in the Secretary to do the following is delegated to the SPE and is further delegated from the SPE to the DSPE:

(1) Execute, award, and administer contracts, purchase orders, and other agreements (including interagency agreements) for the expenditure of funds for construction and the acquisition of personal property and services (including architect-engineer services).

(2) Issue bills of lading.

(3) Sell personal property.

(4) Enter into leases, sales agreements, and other transactions.

(5) Prescribe and publish acquisition policies and procedures.

(6) Establish clear lines of contracting authority.

(7) Manage and enhance career development of the procurement work force.

(8) Examine, in coordination with the Office of Federal Procurement Policy, the procurement system to determine specific areas where VA should establish and apply Government-wide performance standards, and to participate in developing Government-wide procurement policies, regulations, and standards.

(9) Oversee the competition advocate program.

(b) The DSPE may further delegate authority to execute, award, and administer contracts, purchase orders, and other agreements to other VA officials, such as HCAs and contracting officers, in accordance with the COCP.

### **801.602-2 Responsibilities.**

In the administration of a contract, many problems can and do arise that make the advice and assistance of the Office of General Counsel (OGC) either desirable or necessary. The final decision as

to the action to be taken, however, must be made by the contracting officer in each instance. To reduce to the absolute minimum the possibility of litigation resulting from his/her decision, the contracting officer shall submit the problem through channels in sufficient detail to the General Counsel for advice or assistance.

[Deviation per [Class Deviation](#)-VAAR 801.602-3, Ratification of Unauthorized Commitments, dated May 3, 2013 and effective the same date, changes the ratification authority from the Deputy Assistant Secretary (DAS) for Acquisition and Materiel Management to the Head of Contracting Activities (HCAs); clearly identifies the HCAs as the ratification officials for all unauthorized commitments in accordance with FAR 1.602-3(b)(2) and (3); and, rescinds ratification authority from the "chief financial officers of the Administrations." Revises 801.602-3 to remove the existing paragraphs and underlying subparagraphs and text in paragraphs (b) and (d), and adds a revised paragraph (b) and text to set forth the authority of the HCA to ratify all unauthorized commitments without further re-delegation. All other text remains the same. This deviation is effective until incorporated into the VAAR or the VAAM.]

### **801.602-3 Ratification of unauthorized commitments.**

(a) This section applies to unauthorized commitments, including any commitment made by a contracting officer that exceeds that contracting officer's contracting authority and unauthorized commitments made by individuals who lack contracting authority.

(b) Authority to ratify unauthorized commitments is delegated to the Head of Contracting Activities (HCAs) without authority to redelegate.

(c) The process for contracting officer requests for ratification will be as follows:

(1) The individual who made the unauthorized commitment will furnish the contracting officer with all records and documents concerning the commitment and a complete written statement of facts that includes the following:

(i) Why the procurement office was not used.

(ii) Why the proposed contractor was selected.

(iii) Other sources that were considered.

(iv) A description of work to be performed or products to be furnished.

(v) The estimated or agreed contract price.

(vi) A citation of the appropriation available.

(vii) A statement of whether the contractor has commenced performance.

(viii) The name of the individual responsible for the unauthorized commitment.

(2) The contracting officer will review the file and forward it to the approving authority specified in paragraph (b) of this section with any comments or information that the approving authority should consider in evaluating the request for ratification. If the approving authority determines that a legal review would be desirable, the approving authority will coordinate the request for ratification with OGC or the Regional Counsel, as appropriate.

(3) If the approving authority authorizes the ratification, the approving authority will return the file to the contracting officer for issuance of a purchase order or contract, as appropriate.

[Deviation per [Class Deviation](#)–801.602-70, General Review Requirements, 801.602-71, Basic Review Requirements, and 801.602-72, Exceptions and Additional Review Requirements, dated December 2, 2015, revises the oversight process establishing a more decentralized, less labor-intensive oversight process. This deviation will remain in effect until incorporated into the VAAR or the VAAM or is otherwise rescinded.]

**801.602-70 General review requirements.**

(a) Contracting officers shall ensure that any document listed under [801.602-71](#) through [801.602-76](#) that is submitted for technical or legal review is submitted in accordance with their respective HCA’s contract review process.

(b) Under no circumstances shall a CO release a solicitation or sign a contract or modification unless technical and legal reviews have been completed in accordance with the HCA contract review process.

(c) The technical reviewer or at least one technical reviewer (where there is more than one), holds a Federal Acquisition Certification in Contracting commensurate with the procurement value and appropriate expertise in the subject area.

[Deviation per [Class Deviation](#)–801.602-71, Basic Review Requirements, dated October 6, 2016, corrects the Review Levels and Thresholds contained in the previous deviation released on December 2, 2015. This deviation will remain in effect until incorporated into the VAAR or the VAAM or is otherwise rescinded.]

[Deviation per [Class Deviation](#) from Various VA Acquisition Regulation Sections to Update Head of Contracting Activity Delegation and Redelegation Authorities; and Increase the Threshold for Review of Acquisition Plans, dated March 8, 2018 revises 801.602-71 action (b) to allow contracting office/peer review of acquisition plans up to \$7 million. Actions (i) and (k) are added to Table 801.602-71 to reflect new HCA delegations and redelegations. Effective until incorporated into the VAAR or the VAAM or is otherwise rescinded.]

**801.602-71 Basic review requirements.**

Contracting officers must obtain a technical review and/or legal review in accordance with their respective HCA’s contract review process. Table 801.602-71 also sets forth the review levels and approval thresholds required for the contracting actions listed in items (a) through (i).

Table 801.602-71

Action	Review Levels and Thresholds
(a) Interagency Acquisitions (Best Procurement Approach)	<ul style="list-style-type: none"> <li>• ≤ \$5M: CO/Peer Review</li> <li>• \$5M-\$50M: One level above the CO</li> <li>• &gt;\$50M: HCA or designee</li> </ul>
(b) Acquisition Plans	<ul style="list-style-type: none"> <li>• ≤\$7M: CO/Peer Review</li> <li>• \$7M-\$100M: One level above the CO</li> <li>• &gt;\$100M: HCA or designee</li> </ul>



<b>Action</b>	<b>Review Levels and Thresholds</b>
(c) Stop Work Orders – (Terminations)	<ul style="list-style-type: none"> <li>• One Level above the CO for all Stop Work Orders</li> <li>• OGC Review</li> </ul>
(d) Use of Letter Contracts	<ul style="list-style-type: none"> <li>• One Level above the CO for all Letter Contracts</li> <li>• OGC Review</li> </ul>
(e) BPAs for Supplies under Federal Supply Schedules (FSS) that are not issued by the National Acquisition Center (NAC).	<ul style="list-style-type: none"> <li>• &gt;\$50M: Business Clearance Review</li> <li>• &gt;\$50M: OGC Review</li> </ul>
(f) Use of Economic Price Adjustment (EPA) Clauses	HCA or Designee for any use of EPA Clauses
(g) Use of Incentive Contracts	HCA or Designee for any use of Incentive Contracts
(h) Option Year Contracts Exceeding 5 Years (VAAR <a href="#">817.204</a> )	HCA or Designee for any use of Option Year Contracts Exceeding 5 Years
(i) Commercial Item Purchase Financing, Policy (VAAR <a href="#">832.202-1</a> )	HCA must approve, before award, contracts that include unusual contract financing
(j) Commercial Interim or Advance Payment Terms (VAAR <a href="#">832.402</a> )	HCA or Designee for any use of Commercial Interim or Advance Payment Terms
(k) Unusual Progress Payments (VAAR <a href="#">832.501-2</a> )	HCA or Designee must approve contractor’s request

[Deviation per [Class Deviation](#)–801.602-70, General Review Requirements, 801.602-71, Basic Review Requirements, and 801.602-72, Exceptions and Additional Review Requirements, dated December 2, 2015, revises the oversight process establishing a more decentralized, less labor-intensive oversight process. This deviation will remain in effect until incorporated into the VAAR or

the VAAM or is otherwise rescinded.]

**801.602-72 Exceptions and additional review requirements. [Reserved]**

**801.602-73 Review requirements for scarce medical specialist contracts and contracts for health-care resources.**

For contracts to be awarded under the authority of either 38 U.S.C. 7409 or 38 U.S.C. 8153, contracting officers must obtain technical and legal reviews from the Medical Sharing Office, OGC, and Acquisition Resources Service staff of the following documents:

(a) Each competitive solicitation, quotation, proposed contract, or agreement with an anticipated contract award value of \$1,500,000 or more, inclusive of options.

(b) Each noncompetitive solicitation, quotation, proposed contract, or agreement with an anticipated contract award value of \$500,000 or more, inclusive of options.

**801.602-74 Review requirements for an interagency agreement.**

Contracting officers or other staff must obtain technical review from Acquisition Operations Service staff of the following documents:

(a) Each proposed VA Central Office interagency agreement with another Federal agency to be awarded under authority of the Economy Act, regardless of dollar value. For VA Central Office, only the DSPE or designee may sign an interagency agreement.

(b) Each proposed VA field facility interagency agreement with another Federal agency awarded under authority of the Economy Act involving an anticipated expenditure of VA funds of \$250,000 or more. A VA field facility contracting officer or a contracting officer at the VA National Acquisition Center or the Denver Acquisition and Logistics Center may sign an interagency agreement if the dollar threshold is within the contracting officer's warrant limit.

[Deviation per [Class Deviation](#)–801.602-75, Review Requirements—OGC, dated April 12, 2017, updates the review requirements for the Office of General Counsel. This deviation is effective until incorporated into the VAAR or VAAM or is otherwise rescinded.]

**801.602-75 Review requirements OGC.**

Contracting officers must obtain legal review or concurrence from OGC for the following contractual actions. While certain contract types and dollar thresholds are mandated for legal review, reviews may be requested at lower levels as determined by each respective HCA's review process.

Table 801.602-75

<b>Type of contract actions</b>	<b>Anticipated Contract Award Value</b>
(a) Stop Work Orders (contract termination, final decision, cure letter, "show cause" notice)	All actions
(b) Use of Letter contracts (includes modifications)	All actions
(c) Disputes or claims from a contractor	All actions
(d) An assignment of claims	All actions

<b>Type of contract actions</b>	<b>Anticipated Contract Award Value</b>
(e) Proposed novation agreements and change-of-name agreements	All actions
(f) Construction solicitations, contracts, task orders, and modifications (change orders)	\$7,000,000 or greater
(g) Supply or service solicitations, contracts, task orders, and modifications (change orders)	\$7,000,000 or greater
(h) Proposed task/delivery orders and blanket purchase agreements (includes orders under Federal Supply Schedule contracts)	\$7,000,000 or greater
(i) Proposed cost-reimbursement, incentive, time-and-materials, and labor-hour contracts	\$7,000,000 or greater
(j) Utility service agreements	\$7,000,000 or greater
(k) Solicitations for advisory and assistance services	\$7,000,000 or greater
(l) BPAs for supplies under Federal Supply Schedules (FSS) that are not issued by the National Acquisition Center (NAC)	\$50,000,000 or greater

**801.602-76 Business clearance review.**

(a) A business clearance review is a technical review of all solicitation and contract award or modification documents immediately prior to contract award or modification over the specified dollar threshold.

(b) All VA contracting officers must obtain a business clearance review prior to award of any contract, task or delivery order, or blanket purchase agreement or execution of any contract modification with a value of \$5 million or more or prior to award of any lease with a value of \$300,000 or more per year.

(c) The dollar threshold in this paragraph is based on the total dollar value of all awards expected under a single solicitation, not the value of each individual award under a solicitation. For example, a solicitation for home oxygen for a Veterans Integrated Service Network (VISN) might result in multiple awards, each of which has a value of less than \$5 million. If the total of all awards under that solicitation will exceed \$5 million, the contracting officer must obtain a business clearance review of the entire package, including all proposed individual awards.

**801.602-77 Processing solicitations and contract documents for legal or technical review - general.**

(a) Under [801.602-70](#) through [801.602-76](#), before taking contract action, a contracting officer must ensure that any required legal or technical review or concurrence is complete. Contracting officers shall not award or sign contracts, task or delivery orders, blanket purchase agreements, or contract modifications prior to receipt of the final legal and technical review. Should the contracting officer disagree with the advice provided, the contracting officer shall document in the contract file the reasons therefore and provide a copy of that document to the reviewing Office of Acquisition and Materiel Management office. The contracting officer must fully implement any accepted review comments as follows:

- (1) Before opening the bid or proposal for a competitively awarded contract.

(2) Before executing contract documents for a contract modification or noncompetitive contract award.

(b) The contracting officer must advise potential bidders or offerors of changes made to the solicitation by issuing an amendment. The contracting officer must give bidders and offerors sufficient time for evaluation before the bid or proposal opens.

**801.602-78 Processing solicitations and contract documents for legal or technical review - Veterans Health Administration field facilities, Central Office (except Office of Construction and Facilities Management), the National Acquisition Center, and the Denver Acquisition and Logistics Center.**

(a) If legal or technical review is required, the documents listed in Table 801.602-78 must be forwarded for review and approval as shown therein.

Table 801.602-78

Documents	Person Forwarding	Forward To
(1) Proposed solicitations, quotations, contract-related documents, and agreements specified in <a href="#">Table 801.602.71</a> and in <a href="#">801.602-72</a> .	One level above the contracting officer	Appropriate Acquisition Resources Service central or regional office
(2) Scarce medical specialist and health-care resource solicitations, quotations, and proposed contracts (i.e., contracts to be awarded under the authority of 38 U.S.C. 7409 or 8153) specified in <a href="#">801.602-73</a> .	One level above the contracting officer	Director, Enhanced Sharing Program (10FL), VACO
(3) Interagency agreements specified in <a href="#">801.602-74</a> .	Approving official, contracting officer	DSPE, Acquisition Operations Service
(4) Proposed contract modifications, proposed contract modifications for which the contractor takes exception to the accord and satisfaction language VA specifies, assignment of claims, changes to clauses, and proposed utility connection agreements specified in <a href="#">801.602-75(a)(3)</a> through (a)(7) and in <a href="#">801.602-75(a)(9)</a> and (a)(10).	Contracting officer	OGC
(5) Proposed contract terminations, final decisions, cure letters, show cause notices, disputes, and claims specified in <a href="#">801.602-75(a)(1)</a> and (a)(2).	Contracting officer	Regional Office of the General Counsel

(b) The director of the Acquisition Resources Service office conducting the technical review has authority to determine whether to forward documents for legal review.

(c) When the contractor takes exception to the accord and satisfaction language VA specifies in a proposed contract modification, the contracting officer must not sign the modification until OGC concurs with the language proposed by the contractor.

(d) The contracting officer either must fax or send via overnight mail or e-mail all of the relevant documents on proposed contract terminations, final decisions, cure letters, show cause notices,

disputes, and claims specified in [801.602-75](#)(a)(1) and (a)(2). OGC will provide concurrence or comments either in writing or by telephone. The contracting officer must not sign or release a document to the contractor until OGC concurs.

(e) For any VA contract form subject to legal review under [801.602-75](#)(a)(8), the contracting officer must process the change or revision in accordance with VA Manual MP-1, Part II, Chapter 4 and any supplements to it (<http://www.va.gov/publ/direc/benefits/mp1p2ch4.htm>).

**801.602-79 Processing solicitations and contract documents for legal or technical review - Veterans Benefits Administration.**

(a) Contracting officer must ensure that proposed solicitations, quotations, contract-related documents, and agreements listed in [Table 801.602-71](#) are reviewed by the Office of Resource Management prior to document execution. The Office of Resource Management must request legal review of all these documents.

(b) Contracting officer must ensure that proposed solicitations or agreements for guidance center and vocational rehabilitation services are reviewed by the Director, Vocational Rehabilitation and Employment Service, if there is an anticipated expenditure of \$100,000 or more.

**801.602-80 Legal and technical review-Office of Construction and Facilities Management and National Cemetery Administration.**

An Office of Construction and Facilities Management or National Cemetery Administration (Construction Support Division) contracting officer shall submit all A/E contracts, and all construction contracts, time extensions, and modifications, directly to Office of General Counsel (OGC) for review prior to document execution. The Office of Resource Management must request legal review of all these documents.

**801.602-81 Documents required for business clearance reviews.**

When a bid or offer, proposed contract modification, or proposed lease requires a business clearance review under [801.602-76](#), the contracting officer must forward the required documents (see [801.602-84](#)) and the following information to the appropriate Acquisition Resources Service central or regional office. Office of Construction and Facilities Management and National Cemetery Administration (Construction Support Division) contracting officers shall forward the documents to OGC (025):

(a) The date on which award is anticipated.

(b) Results or efforts made to determine whether the contractor is responsible under [FAR Subpart 9.4](#).

(c) A determination of price reasonableness.

(d) An explanation (e.g., the source selection decision as specified in [FAR 15.308](#)) if the contracting officer proposes an award to a contractor other than the low responsible bidder or offeror.

**801.602-82 Documents to submit for legal or technical review - general.**

Table 801.602-82 specifies the documents that must be submitted when a legal or technical review is required.

Table 801.602-82

Action or document subject to review	Documents to submit
(a) Proposed construction contract	One copy of each solicitation document, excluding drawings. Submit not later than the date on which the contracting officer furnishes the documents to prospective bidders.
(b) Proposed solicitation or contract for scarce medical specialist services or health-care resources	One copy of the solicitation or proposed contract and documents required under VA Manual M-1, Part 1, Chapter 34.
(c) All other proposed solicitations, contracts, and agreements	One copy of each document to be used in the contract solicitation or award, and any other document that supports the proposed procurement action. Submit not later than the date on which the contracting officer furnishes the documents to prospective bidders.

**801.602-83 Documents to submit for legal or technical review - contract modifications.**

(a) The documents specified in this section related to proposed contract modifications must be submitted to Acquisition Resources Service for review under one or more of the following conditions:

- (1) When the total modification value is \$100,000 or more.
- (2) When the modification is for a time extension of 60 days or more.
- (3) Where the contractor takes exception to VA's accord and satisfaction language.

(b) The contracting officer must submit the following documents for review:

(1) A draft of the proposed modification prepared on [SF 30](#), Amendment of Solicitation/Modification of Contract, specifying the exact language proposed and describing any change in work, time, or cost.

(2) A statement describing the need for the changed work with any back-up documentation, including a copy of the general statement of work in the original contract and any existing contract language that will be modified.

(3) A statement addressing whether the proposed modification is within the original scope of the contract and specifically addressing the facts considered in reaching the conclusion.

(4) A statement analyzing what necessitated the modification (e.g., a design error, technical changes, or medical center requirements).

(5) The contracting officer's technical representative's (COTR) technical evaluation of the proposed change.

(6) A memorandum from the appropriate office indicating that funds are available or a statement concerning the actions that must be taken to secure the required funds.

(7) The names and telephone numbers of the contracting officer and COTR.

(8) Costing information including the following:

- (i) The contractor's cost proposal in the format required by the contract.
- (ii) The COTR's independent cost evaluation.
- (iii) The architect/engineer's independent cost evaluation, if applicable and available.
- (iv) The contracting officer's Price Negotiation Memorandum under [FAR 15.406-3](#).
- (v) Any other relevant costing information, such as independent market research, that VA used or will use as negotiation criteria.

(c) For a proposed modification to an architect/engineer contract, the contracting officer must submit for review each document specified in paragraph (b) of this section and the following additional documents.

(1) A listing of the fees awarded in the original contract and previous modifications.

(2) For a working drawing contract, a statement regarding the actual or estimated cost of the original construction and any estimated change to the overall project cost as a result of the proposed modification.

(d) For a modification to a construction contract or, where applicable, to an architect/engineer contract, the contracting officer must submit for review a copy of the COTR's mark-up of any drawing that delineates the proposed changed work, including a copy of any pertinent technical specifications. When there is a proposed modification involving numerous changes to drawings and specifications for a VA Central Office project, the drawings and specifications must be available for review in the Office of the Project Director in VA Central Office.

#### **801.602-84 Documents to submit for business clearance reviews.**

A contracting officer must submit to Acquisition Resources Service (Office of Construction and Facilities Management and National Cemetery Administration contracting officers shall forward the documents to OGC (025)) for review copies of the following documents when a business clearance review is required in accordance with [801.602-76](#):

(a) The request for contract action, including a justification of need (i.e., the using service purchase request).

(b) The solicitation.

(c) The abstract of the subject bid or offer.

(d) Any applicable Price Negotiation Memorandum.

(e) A statement of the contracting officer's rationale for award.

(f) Any applicable justification and approval under FAR [6.303](#) and [6.304](#).

(g) Documents relevant to determining whether the contractor is responsible, including:

(1) Verification that the vendor is not suspended, debarred, or on the Department of Health and Human Services Exclusionary List;

(2) Verification that the vendor has filed any required VETS 100 report (not required if the

acquisition is for a commercial item); and

(3) For acquisitions exceeding \$10 million, the Equal Employment Opportunity Clearance.

(h) Any applicable approved subcontracting plan.

(i) Documents relevant to price reasonableness (i.e., all documents used to support the contracting officer's determination of price reasonableness).

### **801.602-85 Results of review.**

(a) When the review is complete, the reviewing office will advise the appropriate Central Office activity or contracting officer that the proposal was approved as submitted or provide them with recommended changes. If the Central Office activity is notified, the Central Office activity will forward the information to the contracting officer.

(b) When changes are recommended by technical or legal review staff, if the contracting officer concurs, the contracting officer must take immediate action to amend the document. If the contracting officer does not concur, the contracting officer must discuss the recommended changes with the technical reviewer or the attorney involved and document in the contract file the reasons why the contracting officer is not following the reviewer's recommendations.

(c) Acquisition Resources Service and OGC will complete reviews as expeditiously as possible, with due regard for procurement actions that require an unusually short period for completing the procurement.

### **801.603 Selection, appointment, and termination of appointment.**

#### **801.603-1 General.**

VAAR [801.690](#) through [801.690-9](#) and [801.670](#) establish the policy and procedures for selecting, appointing, and terminating a contracting officer.

[Deviation per [Class Deviation](#)-801.603-70, Representatives of Contracting Officers, dated October 20, 2010, revises this section to allow Heads of Contracting Activities (HCAs) to designate non-warranted personnel as ordering officers to issue orders against indefinite delivery vehicles for supplies and services, as well as blood contracts. This deviation is applicable to indefinite delivery vehicles for supplies and services, where pricing is established by the contracts and no further negotiation is required. Revises 801.603-70(b)(2)(i); adds new subparagraph (b)(2)(iii); and adds new subparagraph (b)(4). All other text remains the same. This deviation will remain in effect until otherwise rescinded.]

#### **801.603-70 Representatives of contracting officers.**

(a) In carrying out the responsibilities of [FAR 1.602-2](#), the contracting officer may designate another Government employee as COTR to perform the functions in this section and [801.603-71](#).

(1) Except as indicated in [801.603-71](#), a designation under this section must be in writing, must define the scope and limitation of the representative's authority, and must be addressed to the COTR with a copy forwarded to the contractor.

(2) The COTR may not re-delegate authority received under this paragraph.



(3) The contracting officer may not authorize a representative to make any commitment or change that will affect the price, quantity, quality, or delivery terms of a contract.

(4) A contracting officer acting within his or her warranted contracting authority must authorize any change to a contract.

(b) A contracting officer may authorize his or her technical representative to do the following:

(1) Furnish technical guidance and advice or generally supervise the work performed under the contract.

(2) Take any action authorized in the contract, such as issuing a delivery order, rejecting an unsatisfactory item, ordering a replacement of an unsatisfactory item (materials or services) or declaring a contractor in default on specific delivery orders.

(i) Except for a contract for blood and orders placed by duly authorized ordering officials against awarded indefinite delivery vehicles, the contracting officer may delegate this authority only to other Government contracting officers under centralized indefinite delivery type contracts and the contract will so state.

(ii) A centralized contract for blood must state that a contracting officer at an ordering office may designate representatives and alternate representatives to place a delivery order subject to the same restrictions in paragraph [\(b\)\(3\)](#) of this section.

(iii) A contracting officer may designate individuals as ordering officers with the authority to execute orders against an awarded indefinite delivery vehicle subject to the restrictions in paragraph [\(b\)\(4\)](#).

(3) Place an oral or other informal delivery order for items such as, but not limited to, bread, milk, and blood against a local indefinite delivery type contract for which there is a blanket purchase arrangement and for which funds have been obligated.

(4) Ordering officer. HCAs must establish procedures to delegate authority to non-warranted VA personnel to place orders against their own indefinite delivery vehicles where fixed terms and prices are established in the contract. Ordering officers do not have the authority to negotiate, determine price reasonableness, or determine best value. The contract must state that a contracting officer may designate representatives and alternate representatives to place orders against the indefinite delivery vehicle. Ordering officer authority limitations are to be established through individual appointment letters.

[Deviation per [Class Deviation](#)–801.603-70, Representatives of Contracting Officers, dated November 19, 2014, revises the October 20, 2010 deviation (VAIQ 7003833) to allow Heads of Contracting Activities (HCAs) to designate non-warranted personnel as ordering officers for non-VA contracts where prices are pre-established and no further negotiations are required. Revises 801.603-70(b) to add subparagraph (5). All other text remains the same. This deviation remains in effective until otherwise rescinded.]

(5) Ordering officer – Non-Veterans Affairs (VA) contract awards. HCAs must establish procedures to delegate authority to non-warranted VA personnel to place orders against HCA-approved vehicles. Order procedures must limit placement to use of existing terms and prices. Ordering officers do not have the authority to negotiate, determine price reasonableness, or determine best value. The contract must state that a contracting officer may designate representatives and alternate representatives to place orders against the indefinite-delivery vehicle. Ordering officer authority

limitations are to be established through individual appointment letters, and must include order placement procedures.

(c) In the administration of research and development contracts, any representative appointed under this section must be acceptable to the contracting officer and the head of the organization concerned.

(d) When the contracting officer intends to designate a representative under this section for a particular solicitation or contract, the contracting officer must include the clause in [852.270-1](#), Representatives of contracting officers, in the solicitation and contract.

**801.603-71 Representatives of contracting officers; receipt of equipment, supplies, and nonpersonal services.**

(a) Without prior notification to the contractor or vendor, the contracting officer may designate other competent personnel, i.e., COTRs, to represent him or her to receive and inspect supplies, equipment and services at a VA facility. The COTRs may perform duties, as specified by the contracting officer, such as, but not limited to, the following:

(1) Inspect and certify compliance with the quality and quantity requirements of the purchase order or contract.

(2) Inspect supplies and equipment for condition and quantity and accept supplies, equipment, and services, based on quality inspection made by another authorized representative.

(b) The Director, Library Services, VA Central Office, and the Chief, Library Service, at a field facility may act as representatives of the contracting officer to receive, inspect and accept library books, newspapers, and periodicals. Purchase documents will specify that delivery will be made directly to the library.

**801.670 Special and limited delegation.**

The authority vested in the Secretary to execute, award, and administer a contract, purchase order, or other agreement for the expenditure of funds to acquire the specific services set forth in [801.670-1](#) through [801.670-4](#) is delegated to the SPE. The SPE further delegates this authority to the DSPE and to employees appointed or designated to the positions specified in those sections.

**801.670-1 Issuing bills of lading.**

The authority to issue bills of lading previously contained in this section is rescinded. Except for individual small package shipments (e.g., United Parcel Service, Federal Express, or United States Postal Service small package shipments), no VA employee may issue a bill of lading or otherwise procure transportation services for goods unless the employee has been delegated authority to do so as a warranted contracting officer under the VA Contracting Officer Certification Program (ref. [801.690](#)). All transportation services for goods, other than for small package shipments, require a bill of lading. Except for individual small package shipments, individuals with only micro-purchase authority may not issue bills of lading or otherwise procure transportation services. The dollar value of the bill of lading issued or transportation services acquired must not exceed the delegated authority of the contracting officer. Candidates for appointment as transportation contracting officers whose delegated authority will be limited to the acquisition of transportation services for goods only shall comply with the Education, Experience, and Training requirements, if any, in Part 102-117 of title 41 Code of Federal Regulations, the Federal Management Regulation, rather than the requirements in [801.690](#).

### **801.670-3 Medical, dental, and ancillary service.**

(a) When medical, dental, and ancillary services under \$10,000 per authorization are not available from an existing contract or agreement, the following VA officials at VA medical facilities may authorize these services:

(1) The Chief of Staff and the physician assigned the responsibility for the ambulatory care function.

(2) Chief, Medical Administration Service, or the person designated by the facility director to perform medical administration functions.

(b) Forms specified in [Part 853](#) shall be used for ordering services under this paragraph from existing contracts.

(c) The officials named in paragraph [\(a\)](#) of this section may designate one or more of their subordinates to exercise the authority in paragraph [\(a\)](#) of this section.

(d) A designation under this section must be in writing and specifically set forth the scope and limitations of the designee's authority.

### **801.670-4 National Cemetery Administration.**

The Director of Logistics Management Service, the Centralized Contracting Division, and the Construction Support Division are authorized to procure supplies, equipment and non-personal services (including construction) for National Cemetery Administration (NCA) field facilities and other NCA offices when there is an emergency during which the servicing supply organization cannot be used.

### **801.670-5 Letters of agreement.**

(a) Letters of agreement shall not be used. The authority previously contained in this section is rescinded.

(b) The VA Office of Inspector General may issue contracts for commercial items, including services, using a letter format (see [FAR 12.204\(a\)](#)), provided billing information and required clauses are included in the contract. If the dollar value of the acquisition will exceed the simplified acquisition threshold, this is a deviation from the requirement to use [Standard Form 1449](#) at [FAR 12.204\(a\)](#).

### **801.680 Contracting authority of the Inspector General.**

(a) Under section 6(a) of Public Law 95-452 (October 12, 1978), the Inspector General may do the following:

(1) Contract or arrange for audits, studies, analyses, and other services with public agencies and with private persons.

(2) Make payments necessary to carry out the provisions of the Act, to the extent and in amounts provided in advance by appropriations acts.

(b) In exercising the special authority provided in paragraph (a) of this section, the Inspector General may ask the servicing head of the contracting activity for assistance in developing appropriate contract or agreement documents.

(c) The [FAR](#) applies to contracts made under paragraph [\(a\)](#) of this section. Such contracts also are

subject to provisions of the VAAR that implement and supplement the FAR on matters other than those stemming from or related to delegations of the Secretary's contracting authority. (For example, management controls and approvals specified in [Subpart 837.2](#) will not apply to contract actions under the contract authority of the Inspector General.)

## **801.690 VA's COCP.**

### **801.690-1 Definitions.**

Accredited college or university means a college or university that has been accredited by an accrediting agency recognized by the U.S. Department of Education (see <http://www.ed.gov/admins/finaid/accred/index.htm>) or accredited by a foreign government.

ACEP means the Acquisition Continuing Education Program, a program to provide VA's acquisition workforce with classroom knowledge to further develop their acquisition skills. The program supports VA personnel in the GS 1102 contracting series, other contracting officers (regardless of General Schedule series), contracting officers' technical representatives, and contracting officers' representatives to ensure that they meet the continuing education requirements mandated by OFPP Policy Letter No. 05-01, Developing and Managing the Acquisition Workforce, dated April 15, 2005 (see [http://www.whitehouse.gov/omb/procurement/policy\\_letters/05-01\\_041505.html](http://www.whitehouse.gov/omb/procurement/policy_letters/05-01_041505.html)) and the OFPP Memorandum dated January 20, 2006, titled The Federal Acquisition Certification in Contracting Program (see [http://www.whitehouse.gov/omb/procurement/acq\\_wk/fac\\_contracting\\_program.pdf](http://www.whitehouse.gov/omb/procurement/acq_wk/fac_contracting_program.pdf)).

ACM means the Acquisition Career Manager, who is the Associate Deputy Assistant Secretary for Acquisitions.

Acquisition Workforce means those VA employees who are classified as: GS 1102 contract specialists; GS 1105 purchasing agents; contracting officers warranted above the micro-purchase threshold; program and project managers and other significant acquisition-related positions as otherwise identified by the VA Chief Acquisition Officer; contracting officers' technical representatives; and contracting officers' representatives. The acquisition workforce may also include a limited number of employees that perform significant acquisition-related responsibilities, (e.g., employees in the GS-345, GS-346, GS-801, GS-1101, GS-1106, GS-1170, GS-2001, GS-2003, and GS-2005 job series and select program officials).

Appointment means the delegation of authority to any VA employee to enter into, administer, or terminate contracts and to make related determinations and findings.

ATCD means the Acquisition Training and Career Development Division.

Certificate of Appointment as Contracting Officer is a signed certificate on Standard Form 1402 used for the written appointment of contracting officers that states the scope, limitation, and term of the contracting officer's authority.

CLP means continuous learning point, as provided in [OFPP Policy Letter 05-01](#). One CLP is generally equivalent to one hour of classroom training.

COCB means the Contracting Officers Certification Board, a group of VA officials, listed at 801.690-3(c), who evaluate and recommend to the DSPE individuals for delegation of contracting authority as Level II warrant or Level III warrant (Senior Limited or Unlimited) contracting officers.

COCP means the Contracting Officers Certification Program, VA's program established for the selection, appointment, and termination of appointment of contracting officers.

COQS means the Contracting Officer Qualification Statement, a document completed by a candidate for a position as contracting officer that accompanies the request for contracting authority. The certified statement includes information on experience, education, training, and pertinent contracting authority information. The COQS is accompanied by supporting documentation such as training certificates, copies of prior and current warrants, college transcripts, and other relevant information.

Federal Acquisition Certification (see [OFPP Policy Letter 05-01](#), paragraph 8) means a certification program developed by the Federal Acquisition Institute and OFPP that generally reflects a Government-wide standard for education, training, and experience leading to the fulfillment of core competencies in acquisition-related disciplines.

Selection means the appointment of an employee as a contracting officer. The selection process shall consider the complexity and dollar value of the assigned work, the candidate's experience, training, education, business acumen, judgment, character, reputation, and knowledge of acquisition policies, rules and regulations.

Skills Currency means the level of knowledge and abilities that a Level I warrant or higher level warrant contracting officer attains as the result of participating in a minimum of 80 CLPs of continuing education or training every two years. The training is intended to ensure that the employee maintains current acquisition knowledge and skills, as mandated by [OFPP Policy Letter No. 05-01](#) and the OFPP Memorandum dated January 20, 2006, titled The Federal Acquisition Certification in Contracting Program.

Termination means the revocation or rescission of an appointment as contracting officer.

#### **801.690-2 General.**

(a) The VA COCP applies to all VA programs except for the appointment of contracting officers under the Inspector General Act (Public Law 95-452) and for contracting officers designated in sections [801.670](#) through [801.670-5](#). The COCP also applies to VA officials granted authority to enter into sales agreements (see separate guidance under VA's Directives Management System).

(b) A Certificate of Appointment is not required for a contracting officer designated in [801.670](#) who exercises special and limited delegations of authority.

(c) Warrant levels are synonymous with the Federal Acquisition Certification in Contracting Program certification levels specified in the [OFPP Memorandum](#) dated January 20, 2006, titled "The Federal Acquisition Certification in Contracting Program." The COCP is based on the following levels and types of authority:

(1) Level I warrant. Authority for expenditures at or below the simplified acquisition threshold (see [FAR 2.101](#)) for open market contracts, blanket purchase agreements, basic ordering agreements, and delivery/task orders against established contracts (except Federal Supply Schedule (FSS) contracts), within the specified geographical limits of the contracting officer's warrant. For FSS contracts, Level I warrant authority includes authority for expenditures up to the maximum order threshold of the FSS contract, within the specified geographical limits of the contracting officer's warrant. This level was formally titled "Basic" and any current Basic Level warrant need not be reissued solely to change the title.

(2) Level II warrant. Authority for expenditures at or below \$5,000,000 or as stated on [Standard Form 1402](#) for open market contracts, blanket purchase agreements, basic ordering agreements, and delivery/task orders against established contracts, within the specified geographic limits of the

contracting officer's warrant. This level was formally titled "Intermediate" and any current Intermediate Level warrant need not be reissued solely to change the title.

(3) Level III (Senior Limited) warrant. Authority for expenditures at or below the dollar threshold and within the geographical limits specified on the contracting officer's warrant, [Standard Form 1402](#). This level was formally titled "Senior Limited" and any current Senior Limited Level warrant need not be reissued solely to change the title.

(4) Level III (Senior Unlimited) warrant. Authority granted to VA's contracting officers in contracting activities (e.g., the VA National Acquisition Center, Hines, IL, and Acquisition Operations Service, VA Central Office, Washington, DC) that are charged with meeting Department-wide acquisition needs of VA and its customers. The authority is for expenditures at any dollar level without geographical restriction. This level was formally titled "Senior Unlimited" and any current Senior Unlimited Level warrant need not be reissued solely to change the title.

(5) Multi-VISN. Authority at the Level II warrant and Level III (Senior Limited) warrant levels, granted by the DSPE, that permits procurement consolidations among Veterans Health Administration VISNs, Veterans Benefits Administration Area Offices, and other Government agencies that exist outside the contracting officer's normally assigned geographical area of appointed authority. Multi-VISN authority is generally granted to contracting officers for procurement-specific requirements or to contracting officers who are members of groups or consortiums established for regional contracting initiatives.

(d) Micro-purchase Level. Micro-purchase Level authority, not to exceed the micro-purchase threshold (currently \$3,000) (\$2,500 for acquisition of services subject to the Service Contract Act, and \$2,000 for acquisition of construction subject to the Davis Bacon Act) (see [FAR 2.101](#)), is separately addressed under VA's purchase card program. Under that program, the HCA may delegate authority to a VA employee as a purchase card holder through the issuance of VA Form 0242.

[[Class Deviation](#) from VA Acquisition Regulation 801.690-3, 801.690-4, 801.690-6 and 801.690-7, dated July 12, 2019, authorizes and identifies the Senior Procurement Executive (SPE) as the individual with the grant and terminate warrant authority. The deviation also further delegates the SPE's authority to the HCAs and others as deemed appropriate. The deviation expires once incorporated into the Veterans Affairs Acquisition Regulation (VAAR) or the Veterans Affairs Acquisition Manual (VAAM) or otherwise rescinded]

### **801.690-3 [Reserved.]**

### **801.690-4 [Reserved.]**

### **801.690-5 Requirements for contracting authority.**

(a) Effective January 1, 2007, no individual, regardless of job series, may be issued a new contracting officer warrant above the micro-purchase threshold unless the individual meets the requirements for Federal Acquisition Certification (Certification) for the applicable Level I, II, or III warrant level as specified in [OFPP Policy Letter 05-01](#) and the [OFPP Memorandum](#) dated January 20, 2006, titled "the Federal Acquisition Certification in Contracting Program." A new contracting officer warrant is defined in [OFPP Policy Letter 05-01](#) as a warrant issued for the first time at a department or agency. For contracting officers warranted before January 1, 2007, certification will not be required to retain their existing warrants, but will be required before higher level warrants can be issued. Certification includes minimum requirements for education, training, and experience. A candidate for a warrant must have at least a satisfactory-or-above performance rating during the most recent

performance period.

(b) For contracting officer warrants issued prior to January 1, 2007, the minimum requirements for qualifying as a contracting officer previously specified in VA regulation and other internal VA guidance shall apply.

(c) Multi-VISN. The HCA shall obtain written or e-mail concurrence from the HCAs of the other affected VISNs or Area Offices when requesting Multi-VISN contracting authority.

(d) Training. (1) Contracting officers and non-warranted contract specialists shall complete the required coursework and on-the-job training needed to possess the established competencies listed in OFPP's Federal Acquisition Institute Contract Specialist Training Blueprints (<http://www.fai.gov/policies/contract.htm>).

(2) The Chief, ATCD, oversees the ATP.

(3) Training course equivalency will be determined and approved by the Chief, ATCD. Candidates should contact the Chief, ATCD, for an equivalency determination and must furnish any information or evidence necessary to support the request. Appeals of decisions may be made to the VA ACM and the decisions of the ACM shall be final.

(e) Skills Currency. (1) Contracting officers and non-warranted contract specialists who have completed the core training requirements shall obtain a minimum of 80 CLPs of continuing education or training every two fiscal years to stay abreast of current acquisition knowledge and skills as mandated by OFPP. The HCA (for Level I warrant contracting officers) and the Chief, ATCD (for Level II warrant and Level III warrant contracting officers), shall make written determinations every October 1 for each warranted contracting officer on whether the required CLPs, as specified in OFPP guidance, were completed during the two prior fiscal years. The HCA shall assign CLP values to training taken by Level I warrant contracting officers for training that does not have pre-assigned CLP or continuing education unit (CEU) values assigned to the training by the provider. The Chief, ATCD, shall assign CLP values to training taken by Level II warrant and Level III warrant contracting officers for training that does not have pre-assigned CLP or CEU values assigned to the training by the provider. Values shall be assigned based on guidance provided by OFPP and the combined efforts of the Federal Acquisition Institute and the Defense Acquisition University. Questions regarding the CLP or CEU values assigned to training shall be resolved by the ACM.

(2) The Chief, ATCD, is responsible for the management of the ACEP, the program that assists contracting officers and contract specialists to meet the training requirements.

(3) An expiring warrant will not be re-issued if the contracting officer has not met the continuing education or training requirement.

(f) Education. (1) The 24 business-related college credits shall be in any combination of the following fields of study at an accredited college or university: accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management.

(2) The HCA will make the final determination whether a course is accepted as business-related for the purpose of granting Level I warrant authority. The Chief, ATCD, will make the final determination whether a course is accepted as business-related for the purpose of granting Level II warrant or Level III warrant contracting authority.

(3) American Council on Education (ACE) credits are not considered as college credits until they are

converted and included on a transcript from an accredited college or university.

(g) Grandfather Provision for the Education Requirement. (1) VA contracting officers, regardless of grade level, who currently hold Level I, Level II, or Level III (Senior Limited or Unlimited) warrants are considered as having met the Experience, Education, and Training requirements for their respective warrant levels. This includes transfers or laterals to other VA contracting activities with similar geographical restrictions. Contracting officers who are promoted up to a GS-12 can maintain their current warrant level authority.

(2) This Grandfather provision does not cover new VA employees, current VA employees who are not warranted, former VA employees who held contracting authority at their previous Federal Government agencies or VA positions, or VA employees whose warrants have been rescinded or have expired. VA contracting officers who are promoted to GS 13-and-above will no longer be covered by this Grandfather provision and, therefore, must meet the current Experience, Education, and Training requirements for the specific warrant authority that they currently hold or to which they wish to be appointed. Contracting officers requesting a higher level warrant (e.g., from Level I warrant to Level II warrant or from Level III (Senior Limited) warrant to Level III (Senior Unlimited) warrant) must also meet the current Experience, Education, and Training requirement for the specific warrant authority requested.

(3) This Grandfather provision for retaining a contracting officer's current warrant authority is voided if the contracting officer does not fully meet the minimum Skills Currency requirement prior to warrant expiration or when the warrant authority is suspended or revoked. The contracting officer will then need to meet all of the current warrant prerequisites before a new warrant can be issued or before the suspended or revoked warrant can be reinstated.

(h) The training requirements for contracting officers whose delegated authority is limited to the acquisition of transportation services, as provided in Part 102-117 of title 41 Code of Federal Regulations, the Federal Management Regulation, shall be as specified therein.

#### **801.690-6 Appointment and termination.**

The Senior Procurement Executive is granted the authority to appoint and terminate Contracting Officers. The authority is further delegated to the Heads of the Contracting Activities (HCA) and others as appropriate. All delegations of authority will be made in writing.

#### **801.690-7 [Reserved.]**

#### **801.690-8 Interim appointment provisions.**

(a) To ensure availability of procurement support, an interim appointment may be granted for a limited period of time when a candidate does not fully meet the minimum qualifications for Experience, Education, or successful completion of all acquisition Training requirements in previous VA regulations or VA internal guidance, if applicable, or as provided in the [OFPP Memorandum](#) dated January 20, 2006, titled "the Federal Acquisition Certification in Contracting Program." All interim appointments made after January 1, 2007, for individuals who do not meet the minimum Experience, Education, or Training requirements for Levels I through III warrants shall be signed by the SPE or, if so delegated, the ACM, without power to redelegate, as provided in the OFPP Memorandum dated January 20, 2006, titled "the Federal Acquisition Certification in Contracting Program."

(1) In a request for an interim appointment, the HCA must include the information required by 801.690-4 on the candidate's training, experience, performance, and education, and a justification for the interim appointment.



(2) The HCA must ensure that the candidate with interim appointment meets the minimum Experience, Education, and Training requirements within the time specified on the warrant.

(3) A contracting officer with interim appointment should successfully complete all remaining required courses or equivalent courses within the time specified on the warrant.

(b) At the HCA's written request, a permanent warrant may be issued during the interim appointment period when the contracting officer has satisfactorily met the requirements. The appropriate documentation (copies of course certificates) must be submitted with the HCA's request.

(c) An interim appointment may be appropriate for instances such as organizational changes or sudden, extreme, and unexpected increases in workload complexity and/or volume.

(d) Interim appointments will not be granted under the following circumstances:

(1) To a candidate who is warranted but does not meet the Education or Training requirements for higher level (e.g., from Level I warrant to Level II warrant) contracting authority (unless waived by the SPE);

(2) To a candidate who does not have a current record of satisfactory-or-above performance; or

(3) To a contracting officer whose authority has expired and who has not met the continuing education requirement during the two preceding years.

(e) Generally, an interim appointment may not exceed one year.

#### **801.690-9 Distribution of Certificates of Appointment.**

(a) The DSPE or HCA will issue an original Certificate of Appointment as Contracting Officer to the appointed candidate, who must display the Certificate at his or her duty station.

(b) The HCA shall file a copy of the warrant in the delegation of authority file.

(c) The contracting officer must furnish a copy to the respective fiscal activity.

(d) Each Certificate will be serially numbered, reflecting the facility number, the year of issuance (e.g., facility number - year of issuance (2 digits) - sequential number, 560-04-10), and have an effective and expiration date.

#### **801.695 VA's Appointment of HCAs Program.**

##### **801.695-1 Policy.**

(a) VA's policy is to have a minimum number of HCAs. Generally, there will be one HCA per VISN, other major VA organizational element, or major acquisition organization. The authority vested in the Secretary to select, appoint, and terminate HCAs is delegated to the SPE and is further delegated from the SPE to the DSPE.

(b) Under the FAR at [1.601\(a\)](#) and [2.101](#), an HCA is a senior level position. The official who occupies this position should have the education, training, and experience necessary to make the decisions required of an HCA.

(c) Except as provided in the [FAR](#), an HCA may delegate his or her authority to other individuals within the HCA's acquisition activity. Such delegations must be in writing and must set forth the

specific limitations on the designee's authority. The delegation may include authority to appoint a contracting officer at the Micro-purchase Level or the Level I warrant levels.

**801.695-2 Procedures for appointment of HCAs.**

An HCA must be appointed in writing by the DSPE and in accordance with internal VA policy. The written delegation must state any limitation on the HCA's authority, other than a limitation contained in an applicable law or regulation.

**801.695-3 Authority of the HCA.**

(a) The HCA has overall responsibility for managing the procurement program assigned to the activity.

(b) The HCA's level of contracting authority, if any, shall be specified in the HCA's appointment letter.

(c) The HCA has the authority to appoint and terminate contracting officers with authority to conduct procurements of up to and including the simplified acquisition threshold or the maximum order threshold or limitation for orders placed against Federal Supply Schedule contracts, and to terminate such appointments (Micro-purchase Level and Level I warrant appointments).