

# Part 813 - Simplified Acquisition Procedures

## Sec.

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AUTHORITY: 38 U.S.C. 8127 and 8128; 40 U.S.C. 121(c) and (d); and 48 CFR 1.301-1.304.

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[Deviation per [Class Deviation](#)–Veterans First Contracting Program (VFCP 2016), dated July 25, 2016, changes VAAR part 813 by adding VAAR 813.003-70. The deviations are necessary to reflect the Veterans First Contracting Program in subpart 819.70 as it applies to VA contract actions under VAAR part 813. VAAR subpart 819.70 has precedence over other small business programs in FAR part 19. This deviation is effective until incorporated in the VAAR or the VAAM or is otherwise rescinded.]

### **813.003-70 Policy.**

(a) General. The Veterans First Contracting Program in subpart [819.70](#) applies to VA contracts (see [FAR 2.101](#), Definitions) under this part and has precedence over other small business programs referenced in [FAR part 19](#).

(b) Notwithstanding [FAR 13.003\(b\)\(2\)](#), the contracting officer shall make an award utilizing the priorities for Veteran-owned small businesses as implemented within the VA hierarchy of small business program preferences, the Veterans First Contracting Program in subpart [819.70](#). Specifically, the contracting officer shall consider preferences for verified service-disabled Veteran-owned small businesses (SDVOSBs) first, then preferences for verified Veteran-owned small businesses (VOSBs). These priorities will be followed by preferences for other small businesses in accordance with [FAR 19.203](#), [819.203-70](#) and [819.7004](#).

(c) When using competitive procedures, the preference for restricting competition to verified SDVOSBs or VOSBs is mandatory whenever market research provides a reasonable expectation of receiving two or more offers/quotes from eligible, capable and verified SDVOSBs or VOSBs at fair and reasonable prices that offer best value to the Government.

(1) Pursuant to 38 U.S.C. 8127, contracts under this part shall be set-aside for SDVOSBs or VOSBs, when supported by market research. Contracting officers shall use the applicable set-aside clause

prescribed at [819.7009](#).

(2) Pursuant to 38 U.S.C. 8128 and to the extent that market research does not support an SDVOSB or VOSB set-aside, the contracting officer shall include evaluation factors as prescribed at [815.304](#) and the evaluation criteria clause prescribed at [815.304-71\(a\)](#).

(d) The SDVOSB and VOSB eligibility requirements in part [819.7003](#) apply, including verification of the SDVOSB and VOSB status of an offeror or awardee at the time of submission of offer/quote and prior to award. The offeror must also represent that it meets the small business size standard for the assigned North American Industry Classification Code System (NAICS) code and other small business requirements in [FAR part 19](#) (e.g. subcontracting limitations and non-manufacturer rule).

## **Subpart 813.1 - Procedures**

[Deviation per [Class Deviation](#)–Veterans First Contracting Program (VFCP 2016), dated July 25, 2016, changes VAAR part 813 replacing VAAR 813.106-70. The deviations are necessary to reflect the Veterans First Contracting Program in subpart 819.70 as it applies to VA contract actions under VAAR part 813. VAAR subpart 819.70 has precedence over other small business programs in FAR part 19. This deviation is effective until incorporated in the VAAR or the VAAM or is otherwise rescinded.]

### **813.102 Source list.**

Pursuant to [819.7002](#), contracting officers shall use the Vendor Information Pages (VIP) database to verify SDVOSB/VOSB status.

### **813.106 Soliciting competition, evaluation of quotations or offers, award and documentation.**

(a) Contracting officers may use other than competitive procedures to enter into a contract with a SDVOSB or VOSB when the amount exceeds the micropurchase threshold up to \$5 million.

(b) Requirements exceeding \$25,000 must be synopsisized in accordance with [FAR Part 5](#).

#### **813.106-3 Award and documentation.**

The contracting officer may record a quotation on an Abstract of Offers (SF 1409 or 1419), the purchase request if space permits, or other supplemental sheet or form, such as VA Form 10-2237b, Request for Dietetic Supplies.

#### **813.106-70 Soliciting competition, evaluation of quotations or offers, award and documentation - the Veterans First Contracting Program.**

(a) General. When using competitive procedures under this part, the contracting officer shall use the Veterans First Contracting Program in subpart [819.70](#) and the guidance set forth in [813.003-70](#).

(b) Pursuant to 38 U.S.C 8127(b), contracting officers may use other than competitive procedures to enter into a contract with a verified SDVOSB or VOSB for procurements under the simplified acquisition threshold.

(c) Under 38 U.S.C. 8127(c), contracting officers may also award a contract under this part to a firm verified under the Veterans First Contracting Program at subpart [819.70](#), using procedures other than competitive procedures if-

(1) Such concern is determined to be a responsible source with respect to performance of such contract opportunity;

(2) The anticipated award price of the contract (including options) will exceed the simplified acquisition threshold, but will not exceed \$5,000,000; and

(3) In the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers overall best value to the government.

## **Subpart 813.2 - Actions at or Below the Micro-Purchase Threshold**

[Deviation per [Class Deviation](#) Veterans First Contracting Program (VFCP 2016), dated July 25, 2016, changes VAAR part 813 by adding VAAR 813.203. The deviations are necessary to reflect the Veterans First Contracting Program in subpart 819.70 as it applies to VA contract actions under VAAR part 813. VAAR subpart 819.70 has precedence over other small business programs in FAR part 19. This deviation is effective until incorporated in the VAAR or the VAAM or is otherwise rescinded.]

### **813.203 Purchase guidelines.**

(a)(1) Open market micro-purchases shall be equitably distributed among all verified SDVOSBs or VOSBs to the maximum extent practicable in keeping with the flexibilities inherent in purchases under the micro-purchase threshold.

## **Subpart 813.3 - Simplified Acquisition Methods**

[Deviation per [Class Deviation](#) to add VA Acquisition Regulation (VAAR) 813.303-5, Purchases Under Blanket Purchase Agreements (BPAs), dated August 7, 2018, changes VAAR part 813 by adding VAAR 813.303-5. The deviation is needed to allow the heads of the contracting activities to establish a higher threshold for individual purchases under specified BPAs. This deviation is effective until incorporated in the VAAR or the VAAM, or is otherwise rescinded.]

### **813.302 Purchase orders.**

#### **813.302-5 Clauses.**

When using the VA Form 90-2138 or 90-2138-ADP for maintenance contracts involving services performed on Government property that have the potential for property damage and liability claims, the contracting officer shall insert in the purchase order the Contractor's Responsibilities clause found at [852.237-70](#). Applicable maintenance contracts include, but are not limited to, window washing, pest control, and elevator maintenance.

#### **813.303-5 Purchases under BPAs.**

(b)(2) In accordance with [FAR 13.303-5\(b\)\(2\)](#), Heads of Contracting Activities (HCAs), within their respective contracting activities, may increase the limit for individual purchases under BPAs to \$7 million. This higher threshold should only be used when acquisition planning supports the strategy, and it is documented in the contract file.

#### **813.307 Forms.**

[Deviation per [Class Deviation](#)—VAAR 813.307, Forms, and VAAR 853.213, Simplified acquisition procedures (SF's 18, 30, 44, 1165, 1449, and OF's 336, 347, and 348, dated March 31, 2017, as amended March 31, 2018 and July 27, 2018, increases the dollar threshold to the Simplified

Acquisition Threshold for VA Form 10-2421, Prosthetics Authorization for Items or Services. This deviation expires July 31, 2019, unless otherwise rescinded.]

(a) The following forms provide a purchase or delivery order, vendor's invoice, and receiving report:

- (1) VA Form 90-2138, Order for Supplies or Services.
- (2) VA Form 90-2139, Order for Supplies or Services (Continuation).
- (3) VA Form 90-2138-ADP, Purchase Order for Supplies or Services.
- (4) VA Form 2139-ADP, Order for Supplies and Services (Continuation).

(b) The contracting officer may use the forms specified in paragraphs [\(a\)\(1\)](#) through [\(a\)\(4\)](#) of this section instead of OF 347, Order for Supplies or Services, OF 348, Order for Supplies or Services Schedule-Continuation, and SF 1449, Solicitation/Contract/Order for Commercial Items.

(c) The contracting officer or other properly delegated official (see [801.670-3](#)) may use the following order forms when ordering the indicated medical, dental, and ancillary services totaling up to \$10,000 per authorization when such services are not available under existing contracts:

- (1) VA Form 10-7078, Authorization and Invoice for Medical and Hospital Services.
- (2) VA Form 10-7079, Request for Outpatient Medical Services.
- (3) VA Form 10-2570d, Dental Record Authorization and Invoice for Outpatient Service.

(d) In authorizing patient travel as set forth in VA manual MP-1, Part II, Chapter 3, the contracting officer or other properly delegated official (see [801.670-3](#)) may use VA Form 10-2511, Authority and Invoice for Travel by Ambulance or Other Hired Vehicle, as provided by that manual.

(e) The contracting officer must use SF 182, Request, Authorization, Agreement, and Certification of Training, for procurement of training.

(f) The contracting officer may use VA Form 10-2421, Prosthetics Authorization for Items or Services, for prosthetic implants not in excess of the Simplified Acquisition Threshold (SAT). Applicable FAR and VAAR clauses will be added to the form as required. Patient information will not be stored in the Electronic Contract Management System (eCMS). Supporting documentation and Federal Procurement Data System (FPDS) reports will be accomplished in accordance with VA policies.