

# Part 837 - Service Contracting

## Subpart 837.1—Service Contracts - General

### Sec.

[837.110-70](#) VA solicitation provisions and contract clauses.

Subpart 837.2—[Reserved]

## Subpart 837.4—Nonpersonal Health Care Services

[837.403-70](#) VA Contract clauses.

## Subpart 837.70—Mortuary Services

[837.7000](#) Policy.

[837.7001](#) Solicitation provisions and contract clauses.

AUTHORITY: Pub. L. 101-647; 20 U.S.C. 7181-7183; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 41 U.S.C. 1702; and 48 CFR 1.301-1.304.

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## **Subpart 837.1 - Service Contracts - General**

### **837.110-70 VA solicitation provisions and contract clauses.**

(a) Contracting officers shall include the clause at [852.237-74](#), Non-Discrimination in Service Delivery, in services provided to beneficiaries, in all solicitations and contracts covering services provided to eligible beneficiaries.

(b) The contracting officer shall insert the clause at [852.237-75](#), Key Personnel, in solicitations and contracts when the contracting officer will require the contractor to designate contractor key personnel.

## **Subpart 837.2 - [Reserved]**

## **Subpart 837.4 - Nonpersonal Health Care Services**

### **837.403-70 VA contract clauses.**

(a) The contracting officer shall insert the clause at [852.237-70](#), Indemnification and Medical Liability Insurance, in lieu of [FAR clause 52.237-7](#), in solicitations and contracts for nonpersonal health-care services, including contracts awarded under the authority of 38 U.S.C. 7409, 38 U.S.C. 8151-8153, and part 873. The contracting officer may include the clause in bilateral purchase orders for nonpersonal health-care services awarded under the procedures in [FAR part 13](#) and [part 813](#).

(b) The contracting officer shall insert the clause at [852.237-71](#), Nonsmoking Policy for Children's Services, in solicitations, contracts, and orders that involve health or daycare services that are provided to children under the age of 18 on a routine or regular basis pursuant to the Nonsmoking Policy for Children's Services (20 U.S.C. 6081-6084).

(c) The contracting officer shall insert the clause at [852.237-72](#), Crime Control Act-Reporting of Child Abuse, in solicitations, contracts, and orders that require performance on Federal land or in a

federally operated (or contracted) facility and involve the professions/activities performed by persons specified in the Crime Control Act of 1990 (42 U.S.C. 13031) including, but not limited to, teachers, social workers, physicians, nurses, dentists, health care practitioners, optometrists, psychologists, emergency medical technicians, alcohol or drug treatment personnel, child care workers and administrators, emergency medical technicians and ambulance drivers.

(d) The contracting officer shall insert the clause at [852.237-73](#), Crime Control Act-Requirement for Background Checks, in solicitations, contracts, and orders that involve providing child care services to children under the age of 18, including social services, health and mental health care, child- (day) care, education (whether or not directly involved in teaching), and rehabilitative programs covered under the Crime Control Act of 1990 (42 U.S.C. 13041).

## **Subpart 837.70 - Mortuary Services**

### **837.7000 Scope.**

This subpart applies to mortuary (funeral and burial) services for beneficiaries of VA as provided in 38 U.S.C. 2302, 2303, and 2308 when it is determined that a contract would be the most efficient and effective method. Contract payment terms for use of the purchase card as a method of payment should also be considered.

### **837.7001 Solicitation provisions and contract clauses.**

(a) The contracting officer shall insert the basic or the alternate of the provision at [852.237-76](#), Award to Single Offeror, in solicitations and contracts for mortuary services as follows: This subpart establishes the policies and procedures governing the procurement of funeral and burial services for deceased beneficiaries of VA, as provided in 38 U.S.C. 2302, 2303, and 2308.

- (1) Insert the provision in all sealed bid solicitations for mortuary services; and
- (2) Insert the basic provision with its alternate I in all negotiated solicitations for mortuary services.

(b) The contracting officer shall insert, in addition to [FAR 52.216-21](#), Requirements, the following VA clauses in all mortuary service solicitations and contracts:

- (1) [852.237-77](#), Area of Performance.
- (2) [852.237-78](#), Performance and Delivery.
- (3) [852.237-79](#), Subcontracting.
- (4) [852.237-80](#), Health Department and Transport Permits.

(c) See also [816.506-70](#) and [849.504-70](#) for additional clauses for use in contracts for mortuary services.