



VA ACQUISITION CIRCULAR

December 15, 1999

Number 97-8

- 1. Material Transmitted:** The attached pages contain revisions to Department of Veterans Affairs Acquisition Regulation (VAAR) Parts 808, 812, 813, 852, and 853.
- 2. Summary of Changes:** This acquisition circular provides replacement pages for the loose-leaf version of the VAAR. It incorporates final rule RIN 2900-AJ16, Simplified Acquisition Procedures, published in the Federal Register on December 15, 1999. RIN 2900-AJ16 amended VAAR Part 813 to conform to the Federal Acquisition Regulation (FAR), updated references and titles, and removed obsolete material. In addition, it added guidance regarding the inclusion of provisions and clauses by reference and added a new provision to the VAAR whereby contracting officers can include a provision or clause by reference even when the provision or clause requires completion by the offeror or prospective contractor.

2.

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3. Filing Instructions:

Remove pages:

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8-7 thru 8-8
12-1 thru 12-2
Part 813 TOC
13-1 thru 13-4
852 TOC
52-1 thru 52-2
52-53 thru 52-57
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Insert pages:

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4. Effective date: RIN 2900-AJ16 was effective on December 15, 1999.

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Deputy Assistant Secretary for
Acquisition and Materiel Management

Distribution: RPC 7029
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PART 808—REQUIRED SOURCES OF SUPPLIES AND SERVICES

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items or services.

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Part 808 – Required Sources of Supplies and Services

SUBPART 808.4 - ORDERING FROM FEDERAL SUPPLY SCHEDULES

808.401 General.

The Executive Director and Chief Operating Officer, VA National Acquisition Center, advertises, negotiates, awards the contracts, and is responsible for contract administration for FSS (Federal Supply Schedule) Groups 65 and 89. The Executive Director and Chief Operating Officer issues the Federal Supply Schedules containing the necessary information for placing delivery orders with the contractors for the above FSS Groups.

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Part 812 – Acquisition of Commercial Items

- (8) 852.229-70, Purchases from patient's funds.
- (9) 852.229-71, Purchases for patients using Government funds and/or personal funds of patients.
- (10) 852.233-70, Protest content.
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- (12) 852.237-71, Indemnification and insurance (vehicle and aircraft service contracts).
- (13) 852.252-1, Provisions or clauses requiring completion by the offeror or prospective contractor.
- (14) 852.270-1, Representatives of contracting officers.
- (15) 852.270-2, Bread and bakery products.
- (16) 852.270-3, Purchase of shellfish.

(d) The clauses in the following VAAR sections shall be used, when appropriate, in accordance with the prescriptions contained therein or elsewhere in the VAAR, in requests for quotations, solicitations, or contracts for the acquisition of commercial items, provided the contracting officer determines that use of the clauses is consistent with customary commercial practices.

- (1) 852.211-70, Requirements for operating and maintenance manuals.
- (2) 852.211-77, Brand name or equal.

(e) The contracting officer shall insert the clause in 852.271-70, Services provided eligible beneficiaries, by reference, in all requests for quotations, solicitations, and contracts meeting the prescription contained therein.

(f) Clauses are not required for micro-purchases using the procedures of this part or part 813. However, this does not prohibit the use of any clause prescribed in this part or elsewhere in this chapter in micro-purchases when determined by the contracting officer to be in the Government's best interest.

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PART 813 - SIMPLIFIED ACQUISITION PROCEDURES

SUBPART 813.1 - PROCEDURES

:::813.106 Competition and price reasonableness.

Quotations may be recorded 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 Oral purchase orders.

Oral purchase orders, when considered advantageous to the Department of Veterans Affairs, may be used for transactions not in excess of \$2,500. This limitation does not apply to delivery orders against existing contracts, e.g., delivery orders against FSS contracts. The transaction will be assigned a purchase order number and receipt documentation will be obtained on the copies of the purchase request utilized as a property voucher and receiving report.

Documentation as to competition will be in accordance with FAR 13.106-3.

SUBPART 813.3 – SIMPLIFIED ACQUISITION METHODS

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 which have the potential for property damage and liability claims, the contracting officer shall insert in the purchase order the Contractor Responsibilities clause found at 852.237-70.

Applicable maintenance contracts include but are not limited to window washing, pest control, and elevator maintenance.

813.307 Forms.

(a) VA Form 90-2138, Order for Supplies or Services, VA Form 90-2139, Order for Supplies or Services (Continuation), VA Form 90-2138-ADP, Purchase Order for Supplies or Services, and VA Form 90-2139-ADP, Order for Supplies and Services (Continuation), provide in one set of forms a purchase or delivery order, vendor's invoice, and receiving report. They will be used in lieu of but in the same manner as Optional Form 347,

Part 813 - Simplified Acquisition Procedures

Order for Supplies or Services, Optional Form 348, Order for Supplies or Services Schedule—Continuation, and Standard Form 1449, Solicitation/Contract/Order for Commercial Items.

(b) The following order forms are for use when ordering the indicated medical, dental and ancillary services 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, Authorization for Fee Outpatient Medical Services.

(3) VA Form 10-2570d, Dental Record, Authorization and Invoice for Outpatient Services.

(c) In authorizing patient travel as set forth in VA Manual MP-1, Part II, Chapter 3, VA Form 10-2511, Authority and Invoice for Travel by Ambulance or Other Hired Vehicle, will be used as provided by that manual.

(d) Standard Form 182, Request, Authorization, Agreement, and Certification of Training, will be utilized for procurement of training in the manner prescribed in 870.104.

(e) VA Form 10-2421, Prosthetics Authorization and Invoice, will be used for indicated services not in excess of \$300.

:::SUBPART 813.4 - IMPREST FUND:::

:::813.402 General.

(a) The Director, Office of Administration, Central Office, Directors, VA supply depots, and the head of a field station having a A&MMS activity may, in accordance with the criteria set forth in VA manual MP-4, part I, paragraph 4.01, designate one or more procurement personnel to serve as imprest fund and alternate imprest fund cashiers. The policies and procedures governing the functioning of imprest fund and alternate imprest fund cashiers are set forth in chapters 1, 2 and 4 or MP-4, part I. All procurement personnel designated as imprest fund and alternate imprest fund cashiers are to be thoroughly familiar with these policies and procedures.

Part 813 - Simplified Acquisition Procedures

(b) Stations not utilizing imprest funds may effect purchases of articles and service with funds (petty cash) advanced by the agency cashier or from personal funds in accordance with MP-4, part I, paragraph 2C.13.

(c) The available copies of VA Form 90-2237, Request, Turn-in, and Receipt for Property or Services, or the reproduced copies of the front of VA Form 10-7142 requesting the purchase will be used as the receiving and property voucher.:::

:::813.403 Agency responsibilities.

The Chief, A&MMS, Director, Central Office Building and Supply Service, Chief, Stock Control Division, and Chief Accounting and Control Division at VA supply depots having an imprest fund cashier, shall make the review and determination required by FAR 13.403 as frequently as necessary, but not less often than once a year. The determination shall be in writing and shall be furnished, as appropriate, to the field station Director, Director, Office of Administration, or Director, VA Supply Depots. A copy of each determination shall also be furnished the supporting Fiscal activity.:::

:::813.405 Procedures.

(a) Each purchase costing \$25 or more will be supported by a cash register receipt, invoice, sales slip, or other sales document which shall, if possible, contain an itemized listing of the items purchased and be signed by the vendor or his/her agent. The cash receipt or sales document shall be furnished by the vendor to whom cash payment is made. Such cash receipt or sales document shall indicate the name of the vendor. When it is not possible to secure the listing of signature, the purchaser (employee authorized to accomplish the cash purchase) shall prepare and sign SF 1165, Receipt for Cash--Subvoucher, listing thereon the name of the vendor and the articles or services purchased. The vendor's receipt for cash payment shall be attached to the SF 1165 subvoucher.

(b) Each purchase costing less than \$25 shall be supported by a receipt for cash or sales document as required in paragraph (a) of this section, except that the signature of the vendor or agent need not be secured. When a receipt is obtained for purchases costing less than \$25, the SF 1165 is not required. If a receipt cannot be secured, the purchaser shall prepare and sign the SF 1165, listing thereon the name of the vendor and the article or services purchased.

Part 813 - Simplified Acquisition Procedures

(c) When the imprest fund cashier advances funds to an employee designated by the facility Director or to a messenger, under the provisions specified in MP-4, part I, section 4.05, the imprest fund cashier will ensure that such designee or messenger is aware of the requirements for documentation specified in paragraphs (a) and (b) of this section, and the limitation of imprest fund purchasing elsewhere prescribed.

(d) All receipts for cash payments and SF 1165 subvouchers shall be securely attached to SF 1129, Reimbursement Voucher, and submitted to the Fiscal activity at the time of imprest fund replenishment, in accordance with MP-4, part I, chapter 4.:::

:::813.405-70 Written c.o.d. orders.

(a) Purchases of supplies, equipment and services made from imprest funds (petty cash) normally will not require the use of a purchase order, documentation being made on the purchase request. If, however, the vendor requests that he/she be furnished a written purchase order for the particular transaction, the following procedure will apply:

(1) If the vendor is local and delivery of the product or rendering of the service and payment are simultaneous, SF 44, Purchase Order--Invoice--Voucher, will be used as provided in FAR 13.505-3.

(2) If the vendor is other than local, VA Form 90-2138, Order for Supplies or Services, will be used.

(b) Under no circumstances will SF 18, Request for Quotations, be used as a purchase order. VA Form 90-2138, when used as a c.o.d. order, will be numbered as provided in 804.871.:::

| :::SUBPART 813.5 – PURCHASE ORDERS:::

:::813.505-3 Standard Form 44, Purchase Order--Invoice--Voucher.

Purchasing activities utilizing this form must take every precaution to safeguard all unused copies of the form in their possession. A record will be maintained which will show the quantity on hand.:::

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PART 852 - SOLICITATION PROVISIONS AND CONTRACT CLAUSES

SUBPART 852.1 - INSTRUCTIONS FOR USING PROVISIONS AND CLAUSES

852.101 Using part 852.

Part 852 prescribes supplemental provisions and clauses to the FAR. Provision and clause numbering are as prescribed in FAR 52.101 (e.g., supplementary Architect-Engineer and Construction clauses are numbered 852.236-70, 852.236-71, etc.).

852.102 Incorporating provisions and clauses by reference.

(a) As authorized by FAR 52.102(c), any 48 CFR chapter 8 (VAAR) provision or clause may be incorporated in a quotation, solicitation, or contract by reference, provided the contracting officer complies with the requirements stated in FAR 52.102(c)(1), (c)(2), and (c)(3). To ensure compliance with FAR 52.102(c)(1) and (c)(2), the contracting officer shall insert the provision found at 852.252-1, Provisions or clauses requiring completion by the offeror or prospective contractor, in full text in a quotation, solicitation, or contract if the quotation, solicitation, or contract incorporates by reference a FAR or 48 CFR chapter 8 (VAAR) provision or clause that requires completion by the offeror or prospective contractor and submittal with the quotation or offer.

(b) For any FAR or 48 CFR chapter 8 (VAAR) provision or clause that requires completion by the contracting officer, the contracting officer shall, as a minimum, insert in the quotation, solicitation, or contract the title of the provision or clause and the full text of the paragraph that requires completion. The balance of the provision or clause may be incorporated by reference.

(c) If one or more FAR or 48 CFR chapter 8 (VAAR) provisions, or portions thereof, are incorporated in a quotation or solicitation by reference, the contracting officer shall insert in the quotation or solicitation the provision found at FAR 52.252-1, Solicitation Provisions Incorporated by Reference.

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Part 852 - Solicitation Provisions and Contract Clauses

(d) If one or more FAR or 48 CFR chapter 8 (VAAR) clauses, or portions thereof, are incorporated in a quotation, solicitation, or contract by reference, the contracting officer shall insert in the quotation, solicitation, or contract the clause found at FAR 52.252-2, Clauses Incorporated by Reference.

(e) If one or more FAR provisions or clauses, or portions thereof, are incorporated in a quotation, solicitation, or contract by reference, the contracting officer shall insert in the FAR provision or clause required by paragraph (c) or (d) of this section the following Internet address:
<http://www.arnet.gov/far/>

(f) If one or more 48 CFR chapter 8 (VAAR) provisions or clauses, or portions thereof, are incorporated in a quotation, solicitation, or contract by reference, the contracting officer shall insert in the FAR provision or clause required by paragraph (c) or (d) of this section the following Internet address: <http://www.va.gov/oa&mm/vaar/>

SUBPART 852.2 - TEXTS OF PROVISIONS AND CLAUSES

852.203-71 Display of VA hotline poster.

As prescribed in [803.7002](#), insert the following clause:

DISPLAY OF VA HOTLINE POSTER (DEC 1992)

(a) Except as provided in paragraph (c) below, the Contractor shall display prominently in common work areas within business segments performing work under VA contracts, VA Hotline posters prepared by the VA Office of Inspector General.

(b) VA Hotline posters may be obtained from the VA Office of Inspector General (53E), P.O. Box 34647, Washington, DC 20043-4647.

(c) The Contractor need not comply with paragraph (a) above, if the Contractor has established a mechanism, such as a hotline, by which employees may report suspected instances of improper conduct, and instructions that encourage employees to make such reports.

(End of Clause)

Part 852 - Solicitation Provisions and Contract Clauses

Dallas, Texas. 2
 Omaha, Nebraska 3
 Fort Wayne, Indiana 4
 Atlanta, Georgia 3
 New York, New York. 5
 Total of factors. 20

(End of Provision)

852.252-1 Provisions or clauses requiring completion by the offeror or prospective contractor.

As prescribed in 852.102(a), insert the following provision:

PROVISIONS OR CLAUSES THAT REQUIRE COMPLETION BY THE OFFEROR OR PROSPECTIVE CONTRACTOR (DEC 1999)

The following provisions or clauses incorporated by reference in this solicitation must be completed by the offeror or prospective contractor and submitted with the quotation or offer. Copies of these provisions or clauses are available on the Internet at the web sites provided in the provision at FAR 52.252-1, Solicitation Provisions Incorporated by Reference, or the clause at FAR 52.252-2, Clauses Incorporated by Reference. Copies may also be obtained from the contracting officer.

[Contracting officer shall list all FAR and 48 CFR Chapter 8 (VAAR) provisions and clauses incorporated by reference that must be completed by the offeror or prospective contractor and submitted with the quotation or offer.]

(End of provision)

852.270-1 Representatives of contracting officers.

Whenever it is considered necessary to designate a representative under **801.603-70**, the following provision will be made a part of the request for proposal or invitation to bid:

REPRESENTATIVES OF CONTRACTING OFFICERS (APR 1984)

The contracting officer reserves the right to designate representatives to act for him/her in furnishing technical guidance and advice or generally supervise the work to be performed under this contract. Such designation will be in writing and will define the scope and limitations of the designee's authority. A copy of the designation shall be furnished the contractor.

(End of Provision)

852.270-2 Bread and bakery products.

The following clause will be inserted in all contract for bread and bakery products:

QUANTITIES (APR 1984)

The bidder agrees to furnish up to 25 percent more or 25 percent less than the quantities awarded when ordered by the Department of Veterans Affairs.

(End of Clause)

852.270-3 Purchase of shellfish.

Invitations for bids or requests for proposals covering oysters, clams or mussels, fresh or frozen, will contain the following clause:

SHELLFISH (APR 1984)

The bidder certifies that oysters, clams, and mussels will be furnished only from plants approved by and operated under the supervision of shell fish authorities of States whose certifications are endorsed currently by the U.S. Public Health Service, and the names and certificate numbers of those shell fish dealers must appear on current lists published by the U.S. Public Health Service. These items shall be packed and delivered in approved containers, sealed in such manner that tampering is easily discernible, and marked with packer's certificate number impressed or embossed on the side of such containers and preceded by the State abbreviation. Containers shall be tagged or labeled to show the name and address of the approved producer or shipper, the name of the State of origin, and the certificate number of the approved producer or shipper.

(End of Clause)

852.270-4 Commercial advertising.

All VA contracts will include the following clause:

COMMERCIAL ADVERTISING (NOV 1984)

The bidder or offeror agrees that if a contract is awarded to him/her, as a result of this solicitation, he/she will not advertise the award of the contract in his/her commercial advertising in such a manner as to state or imply that the Department of Veterans Affairs endorses a product, project or commercial line of endeavor.

(End of Clause)

852.271-70 Services provided eligible beneficiaries.

The following clause will be included in all contracts covering services provided to eligible beneficiaries:

**NONDISCRIMINATION IN SERVICES PROVIDED BENEFICIARIES
(APR 1984)**

The contractor agrees to provide all services specified in this contract for any person determined eligible by the Under Secretary for Health, or designee, regardless of the race, color, religion, sex, or national origin of the person for whom such services are ordered. The contractor further warrants that he/she will not resort to subcontracting as a means of circumventing this provision.

(End of Clause)

852.271-71 Visits to Department of Veterans Affairs guidance centers.

The following clause will be included in contracts entered into for services relating to vocational counseling:

INSPECTION (APR 1984)

Any duly authorized representative of the Department of Veterans Affairs shall at all reasonable times be permitted to inspect the counseling and testing operations being performed under this contract and the records of these operations.

(End of Clause)

852.271-72 Time spent by counselee in counseling process.

Insert the following clause in contracts entered into for services relating to vocational counseling:

TIME SPENT BY COUNSELEE IN COUNSELING PROCESS (APR 1984)

The contractor agrees that no counselee referred under the provisions of this agreement will be required to give any extra time in connection with the counseling process to supply test results or other information for purposes other than those specified in this contract.

(End of Clause)

852.271-73 Use and publication of counseling results.

Insert the following clause in contracts entered into for services relating to vocational counseling:

PUBLISHING RESULTS (APR 1984)

The contractor agrees that none of the information or data gathered in connection with the services specified in this contract or studies or materials based thereon or relating thereto will be publicized without the prior approval of the Under Secretary for Benefits or his/her designee.

(End of Clause)

852.271-74 Inspection.

Insert the following clause in contracts entered into with educational institutions and training establishments for education and rehabilitation:

INSPECTION (APR 1984)

The contractor will permit the duly authorized representative of the Department of Veterans Affairs to visit the place of instruction as may be necessary and examine the training facilities and work of the veterans in training under this contract.

(End of Clause)

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Part 853 - Forms

PART 853 - FORMS

853.000 Scope of part.

This part prescribes Department of Veterans Affairs forms for use in the acquisition of goods and services. It only identifies forms which are used between the VA and its contractors or the general public. It does not identify forms for uses internal to VA or between VA and another Federal agency.

SUBPART 853.1 - GENERAL

853.107 Obtaining forms.

VA forms may be obtained from any VA contracting office or by requesting such forms from the Deputy Assistant Secretary for Acquisition and Materiel Management (97), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420.

SUBPART 853.2 - PRESCRIPTION OF FORMS

853.201 Federal acquisition system.

853.201-1 Contracting authority and responsibilities (SF 1402).

Current delegations of contracting authority appointed with VA Form 90-2267, Certificate of Designation (contracting officer), will remain in effect until replaced with an executed SF 1402, Certificate of Appointment, in accordance with [801.603-3](#).

853.213 Simplified acquisition procedures.

The following forms are prescribed as stated in this section for use in simplified acquisition procedures, orders under existing contracts or agreements, orders from required sources of supplies and services, and orders for other supplies or services:

(a) VA Forms 90-2138, Order for Supplies or Services, or 90-2138-ADP, Purchase Order for Supplies or Services, shall be used as stated in 813.307. They will be used in lieu of Optional Form 347, Order of Supplies and Services, or Standard Form 1449, Solicitation/Contract/Order for Commercial Items.

(b) The following forms are for use for obtaining indicated medical and dental services within the limitations prescribed in 813.307:

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(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 Services.

(c) VA Form 10-2511, Authority and Invoice for Travel by Ambulance or Other Hired Vehicle, will be used as prescribed in 813.307.

(d) VA Form 10-2421, Prosthetics Authorization and Invoice, will be used for indicated procurements not in excess of \$300 as prescribed in 813.307.

853.215 Contracting by negotiation (VA Form 10-1170).

VA Form 10-1170, Application for Furnishing Nursing Home Care to Beneficiaries of the Department of Veterans Affairs, will be utilized for establishing contract nursing home care for VA beneficiaries.

853.236 Construction and architect-engineer contracts.

853.236-1 (Reserved)

853.236-2 Architect-engineer services (VA Form 08-6298).

VA Form 08-6298, Architect-Engineer Fee Proposal, will be used as prescribed in [836.606-71](#).

853.271 Loan Guaranty, Education, and Vocational Rehabilitation and Counseling Programs.

853.271-1 Loan Guaranty Program (VA Forms 26-6724 and 26-1839).

(a) VA Form 26-6724, Invitation, Bid, and/or Acceptance or Authorization, will be used in obtaining services specified in subpart [871.1](#).

(b) VA Form 26-1839, Compliance Inspection Report, will be used for inspection of repairs for properties under the Loan Guaranty Program as specified in [846.472](#).

Part 853 - Forms

853.271-2 Vocational Rehabilitation and Counseling Programs (VA Forms 22-1903, 22-1905 and 22-1931).

The following forms will be used in acquiring education or rehabilitation services as prescribed in subpart [871.2](#):

- (a) VA Form 22-1903, Contract for Education and Training.
- (b) VA Form 22-1905, Authorization and Certification of Entrance or Reentrance into Training and Certification of Trainee Status.
- (c) VA Form 22-1931, Contract for Services Relating to Vocational Counseling.

853.271-3 Education Programs (VA Forms 22-1982, 22-1982e, 22-1982c, and 22-7398).

The following forms are prescribed for use in obtaining services for the Veterans Benefits Administration Education programs:

- (a) VA Form 22-1982, State Approving Agency (SAA) Reimbursement Contract.
- (b) VA Form 22-1982e, Schedule No. 1 to the SAA Reimbursement Contract; Accredited and Non-Accredited Courses Under Chapter 32, 34, and 35, or 36, of Title 38 United States Code, whichever is applicable.
- (c) VA Form 1982c, Schedule No. 2 to the SAA Reimbursement Contract; Apprenticeship Or Other Training On-the-Job.
- (d) VA Form 22-7398, Quarterly Report of State Approving Agency Activities Under Chapter 36, Title 38, United States Code.

SUBPART 853.3 - ILLUSTRATION OF FORMS

853.300 Scope of subpart.

VA Forms will not be illustrated in this VAAR. Persons wishing to obtain copies of VA forms prescribed in the VAAR may do so in accordance with [853.107](#).

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