

**REQUESTING WAIVERS FROM THE REQUIREMENT TO USE VA FEDERAL
SUPPLY SCHEDULES**

1. REASON FOR ISSUE. To provide Department-wide procedures on requesting waivers from the requirement to use Federal Supply Schedule (FSS) contracts awarded by the Department of Veterans Affairs (VA) in Federal Supply Class (FSC) 65 and the Clinical Analyzers, Laboratory, and Cost-Per-Test FSS contracts awarded by VA under FSC 66.

2. SUMMARY OF CONTENTS. This handbook contains procedures pertaining to requesting waivers from the requirement to use FSS contracts awarded by VA in FSC 65 and the Clinical Analyzers, Laboratory, and Cost-Per-Test FSS contracts awarded by VA under FSC 66.

3. RESPONSIBLE OFFICE. Acquisition Resources Service (049A5A), Office of Acquisition and Materiel Management.

4. RELATED DIRECTIVE. VA Directive 7408.1, Requesting Waivers from the Requirement to Use VA Federal Supply Schedules.

5. RESCISSIONS. None.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/S/
Robert N. McFarland
Assistant Secretary for Information
and Technology

/S/
Tim S. McClain
Chief Management Officer

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REQUESTING WAIVERS FROM THE REQUIREMENT TO USE VA FEDERAL SUPPLY SCHEDULES

1. PURPOSE. This handbook provides guidance on requesting waivers from the requirement to use Federal Supply Schedule (FSS) contracts awarded by the Department of Veterans Affairs (VA) in Federal Supply Class (FSC) 65 and the Clinical Analyzers, Laboratory, and Cost-Per-Test FSS contracts awarded by VA under FSC 66.

2. SCOPE. VA will grant waivers to the requirement for use of FSS contracts awarded by VA in FSC 65 and 66 only when compelling clinical circumstances can be demonstrated. The Deputy Assistant Secretary for Acquisition and Materiel Management (DAS for A&MM) has delegated the authority to grant waivers to the Executive Director and Chief Operations Officer, VA National Acquisition Center (NAC).

3. WAIVER PROCESS.

a. When an ordering office determines that an item available on FSS contract in FSC 65 or on the Clinical Analyzers, Laboratory, and Cost-Per-Test FSS contracts in FSC 66 will not meet the office's specific needs, but a similar item from another source will, the office must submit a request for waiver to the Executive Director and Chief Operating Officer, NAC, through the Chief of Acquisition and Materiel Management/Logistics Manager. Waivers should be requested only when compelling clinical circumstances can be demonstrated. VA Form 0753a, FSS Request for Waiver (see <http://vaww.va.gov/vaforms/va/pdf/VA0753a.pdf>), is to be used for all requests for waivers. A waiver based on clinical need should normally be for specific exceptions, such as a specific patient or group of patients with specific needs, an employee with special needs or allergies, etc. Unless processed as an "emergency request" per subparagraph 3(c), all requests for waivers will be processed within 30 calendar days of receipt by the Executive Director and Chief Operating Officer, NAC. Failure to submit the request in a timely manner will not result in an "emergency waiver" except in rare circumstances. Each medical facility (or Veterans Integrated Service Network (VISN), on behalf of all medical facilities within the VISN) must establish a local procedure for processing waiver requests. Network directors are encouraged to establish local field review and approval procedures as they deem appropriate to sound oversight; however, at a minimum, local procedures must include review and approval at a level no lower than the facility Chief of Staff (COS) prior to the request being forwarded through the Veterans Health Administration (VHA) Office of Clinical Logistics (10F) to the Executive Director and Chief Operating Officer, NAC. As part of the waiver process, the Office of Clinical Logistics should consult with the respective VISN Chief Logistics Officer's COS, the user group, applicable program officials, and the contracting officer. The completed VA Form 0753a shall contain the following information:

(1) A complete description of the required items, whenever possible, e.g., descriptive literature such as illustrations, drawings, or brochures that convey the characteristics and/or construction of item(s) in question.

(2) A comparison of prices and the technical differences between the requested item and the schedule item, identifying as a minimum the inadequacies of the schedule item to perform required functions.

(3) Quantity required.

(4) Estimated annual usage or a statement that the requirement is non-recurrent or unpredictable.

b. With regard to waiver procedures for national committed use contracts, see VHA Directive and Handbook 1761.1. The VHA Office of Clinical Logistics is responsible for the waiver process relating to standardization of supplies and equipment.

c. Emergency requests will be processed as soon as possible. The facility COS has the authority to approve emergency requests for an immediate procurement to ensure appropriate patient care. The COS will forward the approved emergency request to the Office of Clinical Logistics and to the Executive Director and Chief Operating Officer, NAC. Waivers granted on an emergency basis will be limited to the initial purchase and only in the quantity needed to meet the immediate needs of the patient. The NAC will review every 6 months to determine whether the waiver is still necessary or whether comparable items are available on an FSS contract, blanket purchase agreement, or other contract.

4. WAIVER APPROVAL PROCESS.*

a. The supervisor will sign, date, and forward the waiver to the Chief of Acquisition and Materiel Management/Logistics Manager.

b. The Chief of Acquisition and Materiel Management/Logistics Manager will assign a log number; consult with the respective user groups, program official, and/or contracting officer; recommend and provide additional remarks through the Office of Clinical Logistics for the consideration of the Executive Director and Chief Operations Officer, VA National Acquisition Center; and then forward to the COS.

c. The COS will review and recommend action to be taken and will approve or disapprove the request and return it to the Chief of Acquisition and Materiel Management/Logistics Manager.

d. The Chief of Acquisition and Materiel Management/Logistics Manager will disseminate copies to the program officials for action (if applicable) and forward the waiver request through the Office of Clinical Logistics to the Executive Director and Chief Operations Officer, NAC, for final approval.

e. The Executive Director and Chief Operations Officer, NAC, will submit copies of approved or disapproved requests for waivers on VA Form 0753b, Federal Supply Schedule Report of Authorized Waivers (<http://vaww.va.gov/vaforms/va/pdf/0753b.pdf>), to the DAS for A&MM and to the VHA Office of Clinical Logistics every 3 months (quarterly).

f. Quality Improvement Report (QIR) Process. Users who identify quality and safety issues concerning FSS items shall initiate a QIR in accordance with VA Acquisition Regulation 846.70. **Note:** *This handbook does not supercede existing regulations and reporting requirements of the FDA Safe Medical Devices Act.*

* Note: The routing and review process identified in this Paragraph 4 represents the minimum reviews required of local officials. Network or locally developed review processes may require additional reviews prior to forwarding to the Executive Director and Chief Operating Officer, NAC.