

Interim Policy on Complying with the Federal Information Technology Acquisition Reform Act (FITARA)

1. **PURPOSE:** This notice and attachment establishes the Department of Veterans Affairs (VA) interim FITARA policy. Under FITARA, all information technology (IT) acquisition capabilities and investments are subject to specific review requirements, regardless of dollar value, funding authority, funding source, or other considerations. Items used in the treatments of patients such as medical devices, as defined by the Food and Drug Administration; Direct Medical (diagnostic or treatment) Systems, Equipment or Devices (DMSED) which meet the FDA definitions of a Medical Device or Commercial Off-the-Shelf (COTS) for Direct Patient Care that have an IT/IT-related Product Service Code must comply with this FITARA policy. This policy complements VA Directive 6008, which establishes policy regarding funding of IT acquisitions. Except for the VA Office of the Inspector General, there are no VA Administration or Staff Office exceptions.
2. With respect to the Office of the Inspector General (OIG), VA will seek to implement this plan in a mutually-agreeable manner that neither impacts the independence of those offices and the authorities Inspectors General have over the personnel, performance, procurement, and budget of the OIG, as provided in the Inspector General Act of 1978, as amended (5 U.S.C. App 3), nor violates the statutory requirements established by FITARA relative to all IT/IT-related procurements. The exception for VA OIG to develop an agreed upon process will be completed in FY 2021.
3. **POLICY:**
 - a. Under FITARA, the Chief Information Officer (CIO) is responsible for accountability, oversight, and visibility of all IT and IT-related acquisitions, regardless of funding source. The CIO has appointed individuals to act as designated representatives to review proposed IT acquisitions strategies/plans and has established review thresholds based on the estimated Total Contract Lifecycle Costs. CIO-designated reviewers/approvers will review each proposed IT acquisition strategy/plan prior to contract solicitation and contract award for the following:
 - (1) Appropriateness of contract type;
 - (2) Program office need date;
 - (3) Appropriateness of IT and IT-related portions of statement of work;
 - (4) Alignment to the mission and business objectives supported by the IT Strategic Plan;
 - (5) Consultation with program office leadership as required by FITARA;
 - (6) Risk and mitigation strategies, and

- (7) Compliance with the Capital Planning and Investment Control Process (OMB Circular A-130).
- b. Per OMB Memorandum M-15-14, Oversight of Federal Information Technology, IT and IT-related acquisitions include any services or equipment, interconnected system(s) or subsystem(s) of equipment that are used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the agency, whether used directly by the agency or by a contractor.
 - c. The term “information technology” includes computers, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware or similar products, services (including provisioned services such as cloud computing and support services that support any point of the lifecycle of the equipment or service), and related resources.
 - d. For specific procedures, please refer to the FITARA Acquisition Compliance Standard Operating Procedures (SOP) document attached.
 - e. For a list of IT/IT-related Specialized Product Service Codes, please see Appendix B of the attached SOP.
4. **RESPONSIBLE OFFICE:** Office of Strategic Sourcing, Office of Information and Technology (005G).
5. **EFFECTIVE DATE:** These policy changes are effective immediately and will be fully implemented into the Department no later than the 4th Quarter, Fiscal Year 2020. These procedures are interim. A more definitive VA Directive will be issued in Fiscal Year 2021.

CERTIFIED BY:

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

/s/
Karen L. Brazell
Principal Executive Director, Office of
Acquisition, Logistics and Construction
and Chief Acquisition Officer, and Acting
Assistant Secretary for Enterprise
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/s/
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