

Date: October 20, 2010

From: Acting Associate Deputy Assistant Secretary for Procurement Policy, Systems and Oversight

Subj: Class Deviation from Department of Veterans Affairs Acquisition Regulation 801.603-70 (VAIQ 7003833)

To: Deputy Senior Procurement Executive, Associate Deputy Assistant Secretary for Acquisition (001AL-A)

1. **Purpose:** To request your approval, in accordance with Department of Veterans Affairs Acquisition Regulation (VAAR) 801.404, Class Deviations, to deviate from VAAR 801.603-70, Representative of Contracting Officers (COs). VAAR 801.603-70 (b)(2)(i) provides a CO may delegate ordering authority only to other government COs under centralized indefinite-delivery type contracts except for blood. This deviation allows COs to issue ordering delegations which grant authority to non-warranted personnel to also issue funded delivery orders against the VA indefinite delivery vehicles.

2. **Effective Date:** Immediately.

3. **Background:** In an effort to improve management of CO warrants, approximately 907 CO warrants held by individuals who are not in the GS-1102 contracting series or GS-1105 purchasing agent series will be eliminated. Currently, delivery orders are issued against the national prime vendor contracts which include medical/surgical prime vendor, pharmaceutical prime vendor, and subsistence prime vendor contracts by individuals who hold contracting warrants which would be eliminated. These warranted COs are employed in various capacities within VA and issuing delivery orders under these prime vendor contracts is incidental to their primary area of responsibility. Characteristics which make national prime vendor contracts excellent candidates for ordering officer delegations are as follows:

- a. They are mandatory source contracts for the Veterans Health Administration and no further competition is permitted.
- b. Pricing is established and no further negotiation is required.
- c. All three national prime vendor programs and contracts are awarded and administered by the National Acquisition Center (001AL-A2). This will allow ordering officer delegation to be effectively managed.

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d. The deviation will also apply to other indefinite delivery vehicles for supplies where pricing is established by the contract and no further negotiation is required.

4. **Expiration Date:** This class deviation will remain in effect until otherwise rescinded.

5. **Attachment:** VA Class Deviation from VAAR 801.603-70, Representative of Contracting Officers.

6. **Additional Information:** Questions or comments about this class deviation may be directed to Ms. Arita Tillman, Procurement Analyst, Office of Procurement Policy at (202) 461-6859 or via e-mail at: [arita.tillman@va.gov](mailto:arita.tillman@va.gov).

/s/C. Ford Heard III

Attachment

**Class Deviation from the Department of Veterans Affairs  
Acquisition Regulation 801.603-70  
Representatives of Contracting Officers**

**Findings**

Department of Veterans Affairs Acquisition Regulation (VAAR) 801.603-70, Representative of Contracting Officers (COs), provides instances where a CO may designate another government employee as the CO Technical Representative (COTR) to perform certain functions. Specifically, VAAR 801.603-70 (b)(2)(i) limits a CO's delegation authority to other government COs only under centralized indefinite-delivery type contracts. The only exception authorized by the VAAR is for funded delivery orders against blood contracts.

To improve management of CO warrants within VA, warrants held by individuals not in the GS-1102 contracting series or GS-1105 purchasing series will be eliminated. The majority of these non-GS-1102 warrant holders issue delivery orders against the national prime vendor contracts which include medical/surgical prime vendor, pharmaceutical prime vendor, and subsistence prime vendor contracts. These warranted COs are employed in various capacities within VA, and issuing orders under prime vendor contracts is incidental to their primary area of responsibility. This is also the case with other VA personnel who issue delivery orders against other indefinite-delivery order contracts.

To alleviate a gap in the issuance of orders for items on indefinite delivery vehicles, this deviation to VAAR 801.603-70 will permit COs to delegate ordering authority to non-warranted VA personnel to issue orders against indefinite delivery vehicles for supplies and services, as well as blood contracts. Heads of the Contracting Activity (HCAs) must establish procedures delegating authority to non-warranted VA personnel to place orders against their own indefinite delivery vehicles where fixed terms and prices are established in the contract. This deviation is applicable to indefinite delivery vehicles for supplies and services, where pricing is established by the contracts and no further negotiation is required. Each ordering delegation is required to be in writing and will be specific to the contract stated in the delegation.

**Determination**

In accordance with VAAR 801.404, I hereby issue a class deviation whereby COs may issue ordering delegations to non-warranted VA personnel allowing them to place funded orders against indefinite delivery vehicles. This class deviation will remain in effect until rescinded.

/s/Iris B. Cooper  
Deputy Senior Procurement Executive

10/20/10  
Date

**Class Deviation from Department of Veterans Affairs  
Acquisition Regulation 801.603-70,  
Representatives of Contracting Officers**

**Class Deviation:**

**801.603-70 Representatives of contracting officers.**

(a) In carrying out the responsibilities of [FAR 1.602-2](#), the contracting officer may designate another Government employee as COTR to perform the functions in this section and [801.603-71](#).

(1) Except as indicated in [801.603-71](#), a designation under this section must be in writing, must define the scope and limitation of the representative's authority, and must be addressed to the COTR with a copy forwarded to the contractor.

(2) The COTR may not re-delegate authority received under this paragraph.

(3) The contracting officer may not authorize a representative to make any commitment or change that will affect the price, quantity, quality, or delivery terms of a contract.

(4) A contracting officer acting within his or her warranted contracting authority must authorize any change to a contract.

(b) A contracting officer may authorize his or her technical representative to do the following:

(1) Furnish technical guidance and advice or generally supervise the work performed under the contract.

(2) Take any action authorized in the contract, such as issuing a delivery order, rejecting an unsatisfactory item, ordering a replacement of an unsatisfactory item (materials or services) or declaring a contractor in default on specific delivery orders.

(i) Except for a contract for blood **and orders placed by duly authorized ordering officials against awarded indefinite delivery vehicles**, the

contracting officer may delegate this authority only to other Government contracting officers under centralized indefinite delivery type contracts and the contract will so state.

(ii) A centralized contract for blood must state that a contracting officer at an ordering office may designate representatives and alternate representatives to place a delivery order subject to the same restrictions in paragraph [\(b\)\(3\)](#) of this section.

**(iii) A contracting officer may designate individuals as ordering officers with the authority to execute orders against an awarded indefinite delivery vehicle subject to the restrictions in paragraph (b)(4).**

(3) Place an oral or other informal delivery order for items such as, but not limited to, bread, milk, and blood against a local indefinite delivery type contract for which there is a blanket purchase arrangement and for which funds have been obligated.

**(4) Ordering officer. HCAs must establish procedures to delegate authority to non-warranted VA personnel to place orders against their own indefinite delivery vehicles where fixed terms and prices are established in the contract. Ordering officers do not have the authority to negotiate, determine price reasonableness, or determine best value. The contract must state that a contracting officer may designate representatives and alternate representatives to place orders against the indefinite delivery vehicle. Ordering officer authority limitations are to be established through individual appointment letters.**

(c) In the administration of research and development contracts, any representative appointed under this section must be acceptable to the contracting officer and the head of the organization concerned.

(d) When the contracting officer intends to designate a representative under this section for a particular solicitation or contract, the contracting officer must include the clause in [852.270-1, Representatives of contracting officers](#)