Date:    July 20, 2017

From:    Acting Deputy Senior Procurement Executive

Subj:    Class Deviation – Veterans Benefits Administration Authority for Architect-Engineer Services in VA Acquisition Regulation (VAAR) Subpart 836.6, VA (VAIQ # 7800443)

To:      VA Heads of Contracting Activities

1. **Purpose:** To issue a class deviation in accordance with Federal Acquisition Regulation 1.404, Class deviations, and VAAR Subpart 801.404, Class deviations to deviate from VAAR Subparts 836.602-2 and 836.602-4. The deviation will grant the Veterans Benefits Administration (VBA) authority on Architect-Engineer (A-E) Services for VBA projects with an estimated value up to $10,000,000.00 to perform evaluation boards and selection authority approving official functions.

2. **VAAR Sections Impacted:** This Class Deviation impacts VAAR Subparts 836.602-2 and 836.602-4.

3. **Effective Date/Expiration Date:** Effective immediately and expires when incorporated in the VAAR, or the VA Acquisition Manual, or is otherwise rescinded.

4. **Applicability:** This Class Deviation applies to all VA contracting activities.

5. **Background:** Historically, VBA did not possess architectural, engineering and acquisition skills to establish and conduct A/E selections with its own resources and relied on support through VA's Veterans Health Administration (VHA) and Office of Construction and Facilities Management (CFM). However, in recent years, VBA upgraded its acquisition and facilities organizations with the requisite technical and acquisition skills necessary to conduct and manage A/E selections. VBA requested the subject deviation to augment overall VA capability by (1) enabling VBA to reduce lead times in meeting its own mission critical facility requirements, and (2) alleviates the burden on VHA and CFM in prioritizing the requirements for the VA Hospitals and other health care facilities.

6. **Need for Deviation:** VBA has recurring needs for A-E services. Currently, VAAR Subparts 836.602-2 and 836.602-4 do not permit VBA to perform evaluation boards or selection authority approving official functions. In order to fulfill VBA mission requirements in a timely manner, a deviation to VAAR Subparts 836.602-2 and 836.602-4 is granted.

7. **Current and New Policy:** The following summarizes the current and new policy for affected VAAR Subparts.
a. Current Policy:

**VAAR Subpart 836.602-2, Evaluation boards:** Currently provides that the Director, Office of Construction and Facilities Management (CFM) shall appoint an evaluation board for Office of Construction and Facilities Management and National Cemetery Administration projects, and provides CFM-specific direction regarding board member designations.

**VAAR Subpart 836.602-4, Selection authority:** Currently provides that the Director, Office of Construction and Facilities Management (for Central Office contracts), and the Director, Office of Construction Management (for NCA contracts) are designated as the approving officials.

b. New Policy: As reflected in the attachment, the VAAR is changed as noted:

**VAAR Subpart 836.602-2, Evaluation boards:** Paragraphs (a), (b), and (c) are changed to update the Office of Construction Facilities Management title to Associate Executive Director; to add the Director, Office of Administration and Facilities for VBA to appoint evaluation boards and perform selection authority approving official functions for VBA projects with an estimated value up to $10,000,000; and generalizes language regarding board member designation requirements across Central Office, NCA, and VBA boards.

**VAAR Subpart 836.602-4 Selection Authority:** Changed to update the Office of Construction Facilities Management approving official title to Associate Executive Director; and to add the Director, Office of Administration and Facilities for VBA as an approving official.


9. Point of Contact: Please direct questions regarding this PPM to the Office of Acquisition and Logistics (003A), Procurement Policy and Warrant Management Service (003A2A), at (202) 632-5288, email: VA.Procurement.Policy@va.gov.

/s/
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Attachment
CLASS DEVIATION
VAAR 836.602-2, Evaluation Boards
and VAAR 836.602-4, Selection Authority

836.602-2 Evaluation boards.

(a) The Associate Executive Director, Office of Construction and Facilities Management, Office of Engineering Operations Support shall appoint an evaluation board to select architect-engineer contractors for Office of Construction and Facilities Management projects. The Director, Office of Construction and Facilities Management, shall appoint an evaluation board to select architect-engineer contractors for National Cemetery Administration projects. The Director, Office of Administration and Facilities, Veterans Benefits Administration (VBA) shall appoint an evaluation board to select architect-engineer contractors for VBA projects with an estimated value up to $10,000,000.00. The facility or VISN director, as appropriate, shall appoint an evaluation board to select architect-engineer contractors for field facility projects.

(b) The Director, A/E Evaluation and Program Support Service, will chair the evaluation board for Office of Construction and Facilities Management architect-engineer contracts; the Director, Office of Administration and Facilities will chair the evaluation for VBA architect-engineer contracts. The Chair may designate the Project Director or Project Manager to act as Chair when necessary. When appointing the board’s members, the appointing Director must include the appropriate Project Manager and as many qualified professional architects or engineers as may be considered appropriate for the particular project, including additional members from the Office of Construction and Facilities Management technical services or from other Department administrations and staff offices when appropriate.

(c) The appointing Director shall ensure that the board consists of no fewer than three members, one of whom must be a National Cemetery Administration senior level contracting officer for National Cemetery Administration projects. The Director shall designate one of the board members as the Chair.

(d) The evaluation board for a VA field facility must consist of no fewer than two members, one of whom will be the HCA (or the senior contracting officer at the facility if there is no HCA on site) and the other will be the Chief, Engineering Service, or their alternates. Where a facility has two or more engineers on its staff, the facility or VISN director must appoint an additional engineer to the board. The Chair of the board will be the senior engineer.
836.602-4 Selection authority.

The Associate Director, Office of Construction and Facilities Management, Office of Facilities Acquisition (for Central Office contracts); the Director, Office of Construction Management for National Cemetery Administration contracts; the Director, Office of Acquisition (for VBA contracts); the facility or VISN director (for field facility contracts), as appropriate, or persons acting in those capacities, are designated as the approving officials for the recommendations of the respective evaluation boards.