

Date: October 06, 2016

From: Deputy Senior Procurement Executive

Subj: VA PROCUREMENT POLICY MEMORANDUM (2017-01) – Integrated Oversight Process (IOP)/Technical Reviews (TRs) (VAIQ # 7710387)

To: VA Heads of Contracting Activities

1. Purpose: This Procurement Policy Memorandum (PPM) issues revised guidance on the implementation and execution of the Integrated Oversight Process (IOP) and Technical Reviews (TRs) and rescinds Information Letter (IL) 001AL-09-02, Integrated Oversight Process, dated June 19, 2009.

2. Background: The Department of Veterans Affairs (VA) is revising its oversight process to establish a more fluid, less labor-intensive process that replaces the Contract Review Teams (CRTs) with HCA-developed Technical Reviews (TRs). Contract Review Boards (CRBs), for contract actions \$50 million and above remain in effect. The overall goal is to implement an oversight process that efficiently allocates time and resources.

The revised oversight and review process promotes quality throughout the acquisition cycle and creates an infrastructure that is sustainable over the long term. The oversight and review process embraces five key concepts: strengthening contracting officer ownership of the procurement process, placing accountability and responsibility at the appropriate level, enhancing professional development, streamlining the review and approval process, and focusing on process improvement.

3. Effective Date: Within 60 days of the issuance of this memorandum.

4. Expiration Date: This PPM will remain in effect until incorporated into the VA Acquisition Regulation (VAAR) or the VA Acquisition Manual (VAAM).

5. Applicability: This PPM applies to all VA contracting activities. This PPM does not apply to VA Federal Supply Schedule (FSS) awards.

6. Action Required:

a. Technical and legal reviews shall be conducted in accordance with VAAR 801.602-70 and 801.602-71 and the Head of the Contracting Activities' (HCAs) respective contract review processes. While certain thresholds are mandated for technical and legal review, reviews may be requested at lower levels as determined by each respective HCA's review process.

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b. Each HCA shall develop and implement a Technical Review (TR) process that assures the acquisition process provides goods and services with reasonable prices, timely delivery, and required quality in a manner that meets the statutory, regulatory and program needs of the Department. The TR process developed by each HCA will ensure all review requirements identified in the VAAR are fulfilled. At a minimum, each HCA TR Process shall:

- 1) Establish that under no circumstances shall a CO release a solicitation or sign a contract or modification unless a technical review has been completed in accordance with the HCA-developed TR Process.
- 2) Provide oversight, via technical reviews, to monitor all phases of the pre-award acquisition process to include pre-solicitation, pre-negotiation, and pre-award.

c. The technical reviewer or at least one technical reviewer, where there is more than one, must hold a current Federal Acquisition Certification in Contracting commensurate with the procurement value and appropriate expertise in the subject area.

d. Develop a process that fully and effectively utilizes the Electronic Contract Management System (eCMS) in the review process to the maximum extent practicable.

e. HCAs will establish a detailed and specific waiver process for contract reviews.

f. The HCA-developed oversight procedures will effectively fulfill the requirements of any procurement policy or guidance to include but not limited to PPMs, Acquisition Flashes, Class Deviations, disseminated by the Department.

g. Each HCA shall submit their TR Process to the Office of Procurement Policy and Warrant Management Service within sixty (60) days of the issuance of this memorandum.

7. Legal (OGC) Review.

Contracting officers must obtain a legal review, as required, in accordance with their respective HCA's technical review process and the VAAR. While the feedback from legal counsel is advisory in nature, the CO is strongly encouraged to adhere to any legal advice to minimize litigation risks associated with protests and contract claims. If the Contracting Officer makes a decision not to adhere to legal counsel's advice, the rationale must be documented in the contract file.

8. Contract Review Board (CRB)

This PPM requires a CRB to review all acquisitions with a total value estimated to exceed \$50 million at the pre-solicitation and pre-award phases.

The key phases are prior to release of solicitation, before commencement of negotiations and prior to award. The CRB should be composed of seasoned professionals.

a. Role of CRB:

- 1) Serve as the principals responsible for review of acquisitions with a total estimated value greater than \$50 million;
- 2) Minimize vulnerabilities leading to potential protests, disputes, claims, and litigation against VA;
- 3) Ensure compliance with established Federal and VA acquisition policies and procedures;
- 4) Provide senior level advice on contracting actions and support to the CO;
- 5) Provide consistency across VA; and,
- 6) Improve the knowledge of VA acquisition personnel as they embrace and implement good business practices.

b. CRB Membership

The Contract Review Board should include:

- 1) A Chairperson who should be the HCA or senior level designee;
- 2) An assigned representative from OGC or Regional Counsel;
- 3) Technical advisors who may be appointed by the CRB chair to inform on technical matters.

c. Exceptions to CRB

CRB reviews are not required for proposed VA Federal Supply Schedule (FSS) awards. The standard review process for proposed FSS awards will apply.

d. Waivers for CRB

The HCA may:

1. Waive any CRB requirement included herein. For any CRB waiver granted, the HCA must document the file detailing the rationale for the waiver.
2. Require a CRB for any contract action not identified in this policy.

e. CRB Process

- 1) In accordance with VAAR 801.602-70(a), the CO will prepare a pre-solicitation or pre-award package and submit it through or by an official at least one level above the CO to the designated CRB Chairperson. This package should include all pertinent documents, including, but not limited to, the solicitation or proposed contract, acquisition plan, and price negotiation memorandum.
- 2) The Chairperson of each CRB will conduct a “Go/No-Go” review to determine if the package contains all the required documents. If the submission does not pass this initial review, the Chairperson will notify the submitting CO of the specific deficiencies before scheduling a full CRB review.
- 3) After accepting the documentation, the Chairperson will schedule a meeting of the CRB at the earliest opportunity.
- 4) In the event that the CRB identifies the need for mandatory corrective action, the Chairperson will advise the CO not to proceed until the mandatory corrective action is addressed.

The CO will annotate the file to explain the disposition of both mandatory and advisory CRB findings. Written responses to the CRB are required for all mandatory findings. The CO may be required to resubmit all or part of the package as directed by the CRB. Awards may not be made until mandatory findings are addressed.

f. CRB Findings

- 1) CRB findings are categorized as mandatory or advisory. The CO must address mandatory findings. The CO must advise the CRB in writing, within three business days (or a longer period when granted by the Chairperson in writing) after receipt of CRB mandatory findings, of the corrective action taken for each finding.

- 2) Each CRB may provide advisory findings. The CO must annotate the file as to the disposition of advisory findings.
- 3) Submitted documentation must include all previous CRB comments including the corrective action the CO took to address all findings.

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/

Sheila P. Darrell

Distribution:

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