

Date: March 5, 2019

From: Deputy Senior Procurement Executive

Subj: VA Procurement Policy Memorandum (PPM) 2019-06, Contractor Versus Government Performance (VIEWS 00172039)

To: Heads of the Contracting Activities

1. Purpose. The purpose of this PPM is to establish policy to implement Section 239 of the Consolidated Appropriations Act, 2018, Pub. L. 115-141.

2. Background. The Consolidated Appropriations Act, 2018, Pub. L. 115-141, Div. J, Title II, Section 239, establishes that Section 842 (Requirement of Public-Private Competition), Pub. L. 109-115, does not apply to conversion of an activity or function of the Veterans Health Administration, Veterans Benefits Administration, or National Cemetery Administration to contractor performance by a business concern that is at least 51 percent owned by one or more Indian tribes as defined in section 5304(e) of title 25, United States Code, or one or more Native Hawaiian Organizations as defined in section 637(a)(15) of Title 15, United States Code.

The Office of Management and Budget Circular No. A-76 (Revised), Performance of Commercial Activities, dated May 29, 2003 (the Circular), establishes federal policy for the competition of commercial activities, including public-private competition.

3. Effective Date. Immediately

4. Expiration Date. This PPM expires once incorporated into the revised Veterans Affairs Acquisition Manual (VAAM), or when rescinded.

5. Applicability. This PPM applies to the conversion of any public-private competition of an activity or function of the Veterans Health Administration, Veterans Benefits Administration, or National Cemetery Administration to contractor performance by a business concern that is at least 51 percent owned by one or more Indian tribes as defined in section 5304(e) of title 25, United States Code, or one or more Native Hawaiian Organizations as defined in section 637(a)(15) of title 15, United States Code.

6. Action Required. VA acquisition workforce and other VA acquisition professionals involved in procurement actions pursuant to FAR 7.302(b)(2) shall comply with this PPM.

a. Section 842 of Public Law 109–115 shall not apply to conversion of an activity or function of the Veterans Health Administration, Veterans Benefits Administration, or National Cemetery Administration to contractor performance by a business concern that is at least 51 percent owned by one or more Indian tribes as defined in section 5304(e) of

title 25, United States Code, or one or more Native Hawaiian Organizations as defined in section 637(a)(15) of title 15, United States Code.

7. Questions or Concerns. Direct questions or concerns regarding this PPM to the Procurement Policy and Warrant Management Service (003A2A) via email at va.procurement.policy@va.gov or (202) 632-5288.

/s/

D. Edward Keller, Jr.