

SUBCHAPTER B—ACQUISITION PLANNING

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SUBCHAPTER B—ACQUISITION PLANNING

SUBPART M811.1—SELECTING AND DEVELOPING REQUIREMENTS DOCUMENTS

M811.103 Market acceptance.

(a) FAR 11.103 provides that the head of an agency may, under appropriate circumstances, require offerors to demonstrate if items offered are commercial market acceptable. The Department of Veterans Affairs (VA) delegates to the head of the contracting activity (HCA), who may re-delegate to the contracting officer, to determine if items offered are commercial market acceptable. The contracting officer shall determine if there are appropriate circumstances to require offerors to demonstrate that the items offered have achieved commercial market acceptance as provided in FAR 11.103.

M811.105-70 Multiple laboratory sources.

When soliciting for laboratory services, the contracting officer shall not specify a label or certificate of a single laboratory if there are multiple laboratory sources.

Subpart M811.2—Using and Maintaining Requirements Documents

M811.204-70 Contract clause.

The contracting officer shall use the clause 852.211-72, Technical Industry Standards, as prescribed in 811.204-70. The contracting officer shall either furnish the requirements documents with the solicitation or include instructions for obtaining or examining the documents and shall use in conjunction with the appropriate clause at—

(a) FAR 52.211-1, Availability of Specifications, Listed in the GSA Index of Federal Specifications, Standards and Commercial item Descriptions (as prescribed at FAR 11.204 (a));

(b) FAR 52.211-3, Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial item Descriptions (as prescribed at FAR 11.204 (c)); or

(c) FAR 52.211-4 (as prescribed at FAR 11.204 (d)), Availability for Examination of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.

Subpart M811.6—Priorities and Allocations

M811.602-70 General parameters for VA participation.

Priorities and allocations of critical materials, services and facilities under the Defense Priorities and Allocations System (DPAS) are administered by the United States Department of Commerce. As stated in [FAR 11.602](#), DPAS provides for preferential acceptance and performance of contracts and orders for certain approved programs. Within the VA, only those programs or projects having a direct connection with supporting certain approved national defense or energy programs may be considered for such preferences and the priorities and allocation authorities permitted under DPAS. VA is not authorized to assign a priority rating for critical materials.

M811.603 Procedures.

(b) When the VA determines through its acquisition process that critical materials, services and facilities in support of programs are required and it is not feasible to use a substitute material, services or facilities, the Commerce Department has agreed to assist the VA in obtaining a priority rating.

(e) When a need to obtain a priority for critical materials, services, or facilities has been established, the contracting officer shall submit a request to the HCA and to the Deputy Senior Procurement Executive (DSPE) addressing the following:

- (1) A description of the program, project or the new item, service or facility.
- (2) The critical material, service or facility needed and the quantity required.
- (3) The contractor's sources of supply, including any addresses. If the source is other than the manufacturer or producer, also list the name and address of the manufacturer or producer.
- (4) The VA contract or purchase order number, the contractor's purchase order number, and the delivery time requirement as stated in the solicitation or offer.
- (5) The time the contractor proposes is necessary to deliver the materials if priority is not granted.
- (6) The nature and extent of the need, emergency or other exigency, e.g.:
 - (i) Damage to the physical plant.
 - (ii) Impairment of the patient care program.

(iii) Creation of safety hazards.

(iv) Any other pertinent condition that could result because of failure to secure assistance in obtaining the critical materials, services or facilities in support of approved national defense or energy programs as stated in FAR 11.602.

Subpart M811.70—Special Requirements

M811.7001 Definition.

(a) The Department of Veterans Affairs (VA) shall use the definition of “conference” included in the Federal Travel Regulation (FTR): “meeting, retreat, seminar, symposium or event that involves attendee travel. Additionally, training activities are considered conferences under 5 CFR 410.404.”

(b) Specifically for VA, conferences include training sessions, meetings, advisory committee meetings or similar events where travel is involved and that are VA hosted or co-hosted, or where other Federal or non-Federal entities host, without regard to number of attendees or dollar value.

M811.7002 Contracting for conferences.

(a) *Compliance with VA conference planning, execution, reporting and oversight policy and procedures.* When contracting for conference or training facilities, contracting officers shall review all VA Conference Policies and procedures found at the VA Conference Resource Homepage, and comply with [VA Financial Policy, Volume XIV, Travel, Chapter 10, Conference Planning, Oversight, and Reporting](#), dated May 24, 2018 and the FTR 41 CFR 301-74, Conference Planning.

(b) *Policy.*

(1) A warranted contracting officer will be responsible for the acquisition of services and supplies over the micro-purchase threshold to ensure acquisitions in support of conferences are planned and managed in accordance with the FAR.

(2) Ensure VA does not solicit lodging accommodation upgrades as part of contracts. The contracting officer must obtain a technical review of all proposed contracts with hotels or similar facilities for conferences where VA’s cost may exceed \$25,000.

(3) Ensure VA does not incur expenditures for the use of entertainment (videos, music, etc.), motivational speakers, the purchase of promotional items, or embossing, or otherwise imprinting the name of the organization or conference on any supplies,

mementos, or other handouts. Reference Vol II, Ch. 4, “Awards, Ceremonies, Food or Refreshments, Gifts or Mementos”.

(4) Ensure the contracting officer or government purchase cardholder makes all purchases within the limits of their individual authority, and only authorized contracting personnel may make commitments or changes that affect price, quality, quantity, delivery, or other terms and conditions of a contract.

(5) Ensure purchases are made with appropriate approval. Reference VA Financial Policy, Volume XVI Ch. 1A, Government Actions for Purchase Card, and Ch. 1B, Government Purchase for Micro-Purchases, regarding the cardholder’s responsibilities (i.e. prohibiting split payment of a single requirement), and the approving official’s responsibility to certify all transactions made by cardholders, and to ensure applicable documentation is maintained in accordance with Section 100505 in this chapter.

(6) Nominate a qualified contracting officer’s representative (COR) for conferences.

(7) Checking the Hotel and Motel National Master List. The Hotel and Motel Fire Safety Act of 1990 codified at 15 U.S.C. 2225 prohibits use of appropriated funds to sponsor or pay for, in whole or in part, a meeting, convention, conference or training seminar in a hotel or other place of public accommodation, unless the venue meets the fire prevention and control guidelines described in 15 U.S.C.1225. The Federal Emergency Management Agency (FEMA), United States Fire Administration (USFA) maintains the Hotel and Motel National Master List, a list of hotels and motels complying with Pub. L. 101-391. Contracting officers and purchase card holders shall contract only with listed hotels or motels to conduct meetings, conventions, conferences, or training seminars. Any advertisement, request for quotation, invitation for bid, or announcement for space shall include a requirement that the proposed facility be listed on USFA’s Hotel and Motel National Master List at <http://apps.usfa.fema.gov/hotel/>.