

**SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES**

**PART M817—SPECIAL CONTRACTING METHODS**

Sec.

**Subpart M817.1—Multiyear Contracting**

M817.105-1 Uses.  
M817.107 Options.  
M817.108 Congressional Notifications.

**Subpart M817.2—Options**

M817.202 Use of options.  
M817.204 Contracts.

**Subpart M817.4—Leader Company Contracting**

M817.402 Limitations.

**Subpart M817.5—Interagency Acquisitions**

M817.502 Procedures.  
M817.502-1 General.  
M817.503 Ordering procedures.  
M817.504 Reporting requirements.

This page intentionally left blank.

### **Subpart M817.1—Multiyear Contracting**

#### **M817.105-1 Uses.**

(a) Each head of the contracting activity (HCA) determination to use multiyear contracting shall be in accordance with the criteria stated in [FAR 17.105-1\(a\)](#).

#### **M817.107 Options.**

When including options as a part of a multiyear contract, options shall not be used to extend the performance of the original requirement beyond 5 years.

#### **M817.108 Congressional notification.**

(a) The Senior Procurement Executive (SPE) is delegated the authority to provide written notification of the proposed contract and of the proposed cancellation ceiling for that contract in accordance with [FAR 17.108\(a\)](#). Upon the HCA's approval of the determination, the SPE will sign the congressional notification letter, and provide it to the appropriate House and Senate committees through the VA Office of Congressional and Legislative Affairs.

### **Subpart M817.2—Options**

#### **M817.202 Use of options.**

(a) The requiring activity's request to include option provisions should be part of the initial requirements documentation and appropriately covered during acquisition planning and documented via a Determination and Findings (D&F). The final determination on whether to include options rests with the contracting officer or source selection authority, if one is appointed other than the contracting officer.

#### **M817.204 Contracts.**

(e) The contracting officer must obtain the approval of the HCA or designee before awarding a contract that includes options exceeding the 5-year limitation specified in [FAR 17.204\(e\)](#).

### **Subpart M817.4—Leader Company Contracting**

#### **M817.402 Limitations.**

(a)(4) The HCA shall designate a contracting officer to enter into a leader company contract. The contracting officer shall submit the proposed contract for legal review. The contract file will include a determination and finding signed by the contracting officer, and contain the concurrence of the HCA.

## Subpart M817.5—Interagency Acquisitions

### M817.502 Procedures.

When acquisition planning determines that it is appropriate to fulfill a requirement through an assisted acquisition, and VA is the requesting agency, the process outlined below shall be followed to prepare the interagency acquisition package for approval:

(a) The VA program official, after conducting initial market research and developing an acquisition plan, contacts their assigned contracting officer to discuss the proposed interagency acquisition.

(b) Personnel shall take into consideration the timeliness of market research performed in support of an interagency acquisition for the same or similar items/services procured for the same program office or requiring activity. Timely market research would be defined as market research conducted within the past six months of the date the interagency acquisition action was submitted to the HCAs.

(c) Upon completion of the acquisition plan and the D&F, if required, the program official in conjunction with the concurrence of the contracting officer, shall prepare the interagency acquisition package. The package shall consist of:

(1) Description of supplies, Statement of Work, Performance Work Statement, or Statement of Objectives.

(2) The acquisition plan that has been reviewed and approved.

(3) The D&F (when using the authority of the Economy Act).

(4) An independent government cost estimate as a method of determining the reasonableness of proposals.

(5) A certified funding document.

(6) Interagency Agreement Forms [FS 7600A](#) and [FS 7600B](#), or [VA Form 2269](#) if the requirement is between two VA appropriations. The following applies:

(i) Copies of all documentation listed in c. (1) through (6) above will be retained in the Electronic Contract Management System (eCMS) contract file as well as the Contracting Officer Representative files.

(ii) All interagency agreements must specify a dollar ceiling in block 9 of the 7600A. Any individual task or delivery order executed against the master agreement must also specify a dollar ceiling. Before the ceiling can be exceeded (after initial award of the interagency agreement), the program official must prepare a modification/amendment to the interagency acquisition and re-route the document through the approval process

outlined above. Any vague or indefinite amount would violate the Anti-Deficiency Act, 31 U.S.C. 1341.

(iii) Requests for interagency acquisitions must be submitted through the eCMS planning module or Virtual Office of Acquisition, as appropriate.

**M817.502-1 General.**

(a) The HCA shall approve all assisted acquisitions where the VA component is the servicing agency.

(b) When VA intends to establish a multiple-agency or governmentwide acquisition contract, a business case analysis must be completed in accordance with [FAR 17.502-1\(b\)](#). Business cases shall be approved by an authority no lower than VA's SPE.

(c) HCAs shall:

1) Develop and implement guidance ensuring only qualified contracting individuals with appropriate training are assigned to all existing and future interagency acquisitions.

2) Establish procedures to review the Economy Act D&Fs, and, where applicable, acquisition plans on a semi-annual basis.

3) Establish procedures to review the contract files for interagency acquisitions on a semi-annual basis to ensure compliance with the FAR, the VAAR and the VAAM.

**M817.503 Ordering procedures.**

(a) All Economy Act interagency acquisitions with \$250,000 or more in life cycle costs, and all interagency acquisitions with \$750,000 or more in life cycle costs, require Office of General Counsel (OGC) review and concurrence. OGC reviews may be sought for any draft interagency acquisitions but must be obtained when the package is ready for final review and approval.

(b) All interagency acquisitions and interagency agreements for the procurement of IT or information technology related acquisitions, shall be supported by an Acquisition Plan that has been approved by the VA Chief Information Officer or an authorized designee.

**M817.504 Reporting requirements.**

A monthly report of interagency transactions will be prepared by Enterprise Acquisition Systems Service and distributed to the Office of Finance for the purpose of

reconciling the procurement and financial accounting data systems. The report will be generated on the 2nd Wednesday of the month and copies of the report will also be provided to the SPE, Deputy SPE, each of the HCAs, and the Office of Acquisitions and Logistics Risk Management and Compliance Service.