

**SUBCHAPTER A—GENERAL**

**PART 802—DEFINITIONS OF WORDS AND TERMS**

**Subpart 802.1 – Definitions**

**Sec.**  
802.101            Definitions

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AUTHORITY: 38 U.S.C. 8127 AND 8128; 40 U.S.C. 121(c) AND (d); AND 48 CFR 1.301–1.304.

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**Subpart 802.1 – Definitions**  
*(Revised 10/26/2020)*

[[Deviation per Class Deviation from VAAR Parts 802, 812, and 852 Regarding Gray Market and Counterfeit Medical and Information Technology Items, dated March 26, 2020](#), revises VAAR 802.101 to add the definition for gray market items. This deviation expires once incorporated in the VAAR or the VA Acquisition Manual (VAAM) or is otherwise rescinded.]

[[Deviation per Class Deviation–Veterans First Contracting Program \(VFCP 2016\)](#), dated July 25, 2016, revises VAAR 802.101 to add the definition for Public Law (Pub. L.) 109-461; replaces the definition for Service-disabled Veteran-owned small business (SDVOSB); adds the definition for VA Rule of Two; replaces the definition for Vendor Information Pages (VIP); adds the definition for Veterans First Contracting Program; and replaces the definition for Veteran-owned small business (VOSB). This deviation is effective until incorporated in the VAAR or the VA Acquisition Manual (VAAM) or is otherwise rescinded.]

**802.101 Definitions.**

A/E means architect/engineer.

Chief Acquisition Officer means the Assistant Secretary for Management.

COTR means Contracting Officer's Technical Representative or Contracting Officer's Representative.

DSPE means the Deputy Senior Procurement Executive, who is also the Associate Deputy Assistant Secretary for Acquisitions. The DSPE must be career member of the Senior Executive Service.

FAR means the [Federal Acquisition Regulation](#) .

GAO means the Government Accountability Office.

Gray market items are original equipment manufacturer goods intentionally or unintentionally sold outside an authorized sales territory or sold by non-authorized dealers in an authorized sales territory.

HCA means the Head of the Contracting Activity, an individual appointed in writing by the DSPE under VA's Appointment of HCAs Program (see [801.695](#)).

OGC means the Office of the General Counsel.

Public Law (Pub. L.) 109-461 means the Veterans Benefits, Health Care and Information Technology Act of 2006, as amended and codified in 38 U.S.C. 8127 and 8128.

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Resident Engineer has the same meaning as contracting officer's technical representative or contracting officer's representative (see [852.270-1](#)).

Service-disabled Veteran-owned small business (SDVOSB) has the same meaning as service-disabled Veteran-owned small business concern defined in [FAR 2.101](#), except for acquisitions authorized by 38 U.S.C. 8127 and 8128 for the Veterans First Contracting Program. These businesses must be listed as verified in the [VIP database](#). In addition, some of the SDVOSB businesses listed in the [VIP database](#) may be owned and controlled by a surviving spouse. See definition of surviving spouse in 802.101.

Small business concern has the same meaning as defined in [FAR 2.101](#).

SPE means the Senior Procurement Executive who is also the Deputy Assistant Secretary for Acquisition and Materiel Management. The SPE is responsible for the management direction of the VA acquisition system. The SPE may further delegate authority to the DSPE.

Surviving spouse means an individual who has been listed in the Department of Veterans Affairs' (VA) Veterans Benefits Administration (VBA) database of Veterans and family members. To be eligible for inclusion in the [VetBiz.gov VIP](#) database, the following conditions must apply:

(1) If the death of the Veteran causes the small business concern to be less than 51 percent owned by one or more service-disabled Veterans, the surviving spouse of such Veteran who acquires ownership rights in such small business shall, for the period described below, be treated as if the surviving spouse were that Veteran for the purpose of maintaining the status of the small business concern as a service-disabled Veteran-owned small business.

(2) The period referred to above is the period beginning on the date on which the Veteran dies and ending on the earliest of the following dates:

- (i) The date on which the surviving spouse remarries;
- (ii) The date on which the surviving spouse relinquishes an ownership interest in the small business concern;
- (iii) The date that is 10 years after the date of the Veteran's death;
- (iv) The date on which the business concern is no longer small under federal small business size standards.

(3) The Veteran must have had a 100 percent service-connected disability rating or the Veteran died as a direct result of a service-connected disability.

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VA means the Department of Veterans Affairs.

VAAR means the Department of Veterans Affairs Acquisition Regulation.

VA Rule of Two means the process in 38 U.S.C. 8127(d) whereby a contracting officer of the Department “shall award contracts on the basis of competition restricted to small business concerns owned and controlled by Veterans if the contracting officer has a reasonable expectation that two or more small business concerns owned and controlled by Veterans will submit offers and that the award can be made at a fair and reasonable price that offers best value to the United States.” For purposes of this VA specific rule, a service-disabled Veteran-owned small business (SDVOSB) or a Veteran-owned small business (VOSB), must meet the eligibility requirements in 38 U.S.C. 8127(e), (f) and VAAR 819.7003 and be listed as verified in the [Vendor Information Pages \(VIP\) database](#).

Vendor Information Pages (VIP) database means the Department of Veterans Affairs Office of Small and Disadvantaged Business Utilization (OSDBU) Vendor Information Pages (VIP) database at <https://www.vip.vetbiz.gov>. This site's database lists businesses that the VA Center for Verification and Evaluation (CVE) has determined eligible for the Veterans First Contracting Program.

Veteran-owned small business (VOSB) has the same meaning as Veteran-owned small business concern defined in [FAR 2.101](#), except for acquisitions authorized by 38 U.S.C. 8127 and 8128 for the Veterans First Contracting Program. These businesses must be listed as verified in the [VIP database](#). A business whose SDVOSB status derives from ownership and control by a surviving spouse shall also be considered a VOSB.

Veterans First Contracting Program means the program authorized by 38 U.S.C. 8127 and 8128 (Pub. L. 109-461, as amended), implemented under subpart [819.70](#). This program applies to all VA contracts (see [FAR 2.101](#) for the definition of contracts) including Blanket Purchase Agreements (BPAs) and orders against the Federal Supply Schedules (FSS), unless otherwise excluded by law.

VISN means Veterans Integrated Service Network, an integrated network of VA facilities that are focused on pooling and aligning resources to best meet local needs in the most cost-effective manner and provide greater access to care.

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