

**SUBCHAPTER B—COMPETITION AND ACQUISITION PLANNING**

**PART 807—ACQUISITION PLANNING**

**Subpart 807.1 – Acquisition Plans**

**Sec.**

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AUTHORITY: 40 U.S.C. 121(c) and 48 CFR 1.301-1.304.

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**SUBPART 807.1 – ACQUISITION PLANS****807.103 Agency-head responsibilities.**

The authority to prescribe procedures in [FAR 7.103](#) is delegated to the SPE and is further delegated to the DSPE.

[Deviation per Class Deviation to Veterans Affairs Acquisition Regulation (VAAR) 807.105-70, Written Acquisition Plans, dated March 8, 2018. The deviation increased the threshold for written acquisition plans required by [FAR 7.105](#) from \$1 million to \$7 million, notwithstanding streamlined versions of acquisition plans deemed required in [FAR 7.103\(e\)](#), [7.105](#), [7.107](#), and/or as required by the HCA. The deviation also provides guidance to the contracting officer. The deviation rescinds Attachment 5 only, titled, “Part 807—Acquisition Planning,” in VA Procurement Policy Memorandum 2016-09, “*Rescission of the 1997 Non-codified Material (Formerly the 1997 Veterans Affairs Acquisition Regulation(VAAR))*,” dated September 30, 2016.]

**807.105-70 Written acquisition plans.**

(a) *Policy.* In accordance with [FAR 7.102](#), the VA will perform acquisition planning and conduct market research for all acquisitions. The extent and nature of the acquisition planning documentation and the market research conducted will vary depending on complexity, urgency, estimated dollar value, etc.

(b) *Thresholds.* Written acquisition plans should address, at a minimum, those items as prescribed in, as required [FAR 7.105](#), in accordance with the following thresholds:

(1) Written acquisition plans are required at or above \$7 million. The Head of the Contracting Activity (HCA) may require completion of acquisition plans, to include use of streamlined formats, below \$7 million, when required due to unique or high-level interest or complexity. Irrespective of the requirement for a written acquisition plan, contracting officers and acquisition planners are required to perform acquisition planning and conducting market research in accordance with [FAR 7.102](#). Certain key information, such as contract type, milestone schedule, sources, government furnished information, government furnished property, and security, among other key [FAR 7.105](#) considerations, must be appropriately considered and documented in the file.

(2) Written acquisition plans shall be accomplished for all cost-reimbursement and other high-risk contracts (to include time-and-materials/labor hour type contracts) in accordance with [FAR 7.103\(e\)](#), at any dollar value.

(c) *Acquisition plan approvals.* Contracting officers are also required to prepare acquisition plans and obtain required acquisition plan approvals from

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required offices in accordance with HCA procedures, e.g., for items involving Information Technology (IT) or IT-related, contract bundling, consolidation, interagency agreements.

**SUBPART 807.3—CONTRACTOR VERSUS GOVERNMENT PERFORMANCE****807.300 Scope of subpart.**

This subpart prescribes the use of VAAR clause at [852.207-70](#), Report of employment under commercial activities, when contracting for commercial services under Office of Management and Budget (OMB) Circular A-76 or VA's cost comparison process. The cost comparison process is used by VA to determine whether to use commercial or Government resources to provide commercial services.

**807.304-77 Right of first refusal.**

(a) In addition to the Right of First Refusal of Employment clause specified in [FAR 52.207-3](#), the contracting officer must include the clause "Report of Employment Under Commercial Activities" at [852.207-70](#) in all cost comparison solicitations where VA personnel may be displaced. This clause is primarily intended to verify that the contractor is meeting its obligation to provide Federal workers who are adversely affected by the contract award and who are qualified for the jobs the first opportunity for employment openings created by the contract.

(b) The Report of Employment Under Commercial Activities clause is also prescribed to avoid inappropriate severance payment. To implement the clause, the contracting officer (or COTR) must first obtain a list of Federal personnel who will be adversely affected as a result of the anticipated contract from the servicing Human Resources Service office. The list should be requested as soon as a preliminary determination is made to contract out a function subject to OMB Circular A-76. (Contracting officers may designate a COTR to coordinate the information and reporting requirements.)