

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

PART 813—SIMPLIFIED ACQUISITION PROCEDURES

(Revised 2/16/23)

Sec.

813.003-70 General policy.

Subpart 813.1—Procedures

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813.106-70 Soliciting competition, evaluation of quotations or offers, award, and documentation—the Veterans First Contracting Program.

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813.305-70 VA's imprest funds and third party drafts policy.

AUTHORITY: 38 U.S.C. 8127-8128; 40 U.S.C. 121(c); 41. U.S.C. 1702 and 48 CFR 1.301 through 1.304.

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PART 813—SIMPLIFIED ACQUISITION PROCEDURES

Deviation per [Class Deviation](#) from VAAR parts 802, 806, 808, 810, 813, 819, 852, and 873, dated February 16, 2023, to implement the expansion of the certification requirement across all Federal agencies for Service-Disabled Veteran-Owned Small Businesses (SDVOSBs), and the transfer of the certification authority for both SDVOSBs and Veteran-Owned Small Businesses (VOSBs) from the VA to the Small Business Administration (SBA), effective January 1, 2023. The class deviation updates various VAAR parts to implement the new policy regarding the SBA Veteran Small Business Certification Program, the relevant SBA certification database, and removing the VA VIP database title and web address, and other pertinent information.

813.003-70 General policy. (DEVIATION)

(a) The Veterans First Contracting Program in subpart [819.70](#) applies to VA contracts, orders and BPAs under this part and has precedence over other small business programs referenced in FAR parts [13](#) and [19](#). For VA policy regarding mandatory Government sources, refer to [808.002](#).

(b) Notwithstanding FAR [13.003\(b\)\(2\)](#), the contracting officer shall make an award utilizing the priorities for veteran-owned small businesses as implemented within the VA hierarchy of small business program preferences, the Veterans First Contracting Program in subpart [819.70](#). Specifically, the contracting officer shall consider preferences for certified service-disabled veteran-owned small businesses (SDVOSBs) first, then preferences for certified veteran-owned small businesses (VOSBs). These priorities will be followed by preferences for other small businesses in accordance with [819.7005](#).

(c) When using competitive procedures, the preference for restricting competition to certified SDVOSBs/VOSBs in accordance with paragraph (b) of this section is mandatory whenever market research provides a reasonable expectation of receiving two or more offers/quotes from eligible, capable and certified firms, and that an award can be made at a fair and reasonable price that offers best value to the Government.

(1) Pursuant to 38 U.S.C. 8127, contracts under this part shall be set-aside for SDVOSBs/VOSBs, in accordance with [819.7006](#) or [819.7007](#) when supported by market research. Contracting officers shall use the applicable set-aside clause prescribed at [819.7011](#).

(2) Pursuant to 38 U.S.C. 8128 and to the extent that market research does not support an SDVOSB or VOSB set-aside, the contracting officer shall include evaluation factors as prescribed at [815.304-70](#) and the evaluation criteria clause prescribed at [815.304-71\(a\)](#).

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(d) The SDVOSB and VOSB eligibility requirements in [819.7003](#) apply, including being listed in the SBA certification database (see 13 CFR part 128), and other small business requirements in 13 CFR part 121, and 13 CFR 125.6 (e.g., small business representation, nonmanufacturer rule, and subcontracting limitations certificate of compliance (see [819.7004](#) and [819.7011](#))).

Subpart 813.1—Procedures**813.102 Source list. (DEVIATION)**

(a) Pursuant to [819.7003](#), contracting officers shall use the Small Business Administration (SBA) certification database to verify SDVOSB/VOSB status.

813.106 Soliciting competition, evaluation of quotations or offers, award and documentation.

Deviation per [Class Deviation](#) from VAAR parts 802, 806, 808, 810, 813, 819, 852, and 873, dated February 16, 2023, to implement the expansion of the certification requirement across all Federal agencies for Service-Disabled Veteran-Owned Small Businesses (SDVOSBs), and the transfer of the certification authority for both SDVOSBs and Veteran-Owned Small Businesses (VOSBs) from the VA to the Small Business Administration (SBA), effective January 1, 2023. The class deviation updates various VAAR parts to implement the new policy regarding the SBA Veteran Small Business Certification Program, the relevant SBA certification database, and removing the VA VIP database title and web address, and other pertinent information.

813.106-70 Soliciting competition, evaluation of quotations or offers, award and documentation—the Veterans First Contracting Program. (DEVIATION)

(a) When using competitive procedures under this part, the contracting officer shall use the Veterans First Contracting Program in subpart [819.70](#) and the guidance set forth in [813.003-70](#).

(b) Pursuant to 38 U.S.C 8127(b), contracting officers may use other than competitive procedures to enter into a contract with a certified SDVOSB or VOSB for procurements below the simplified acquisition threshold, as authorized by FAR [6.302-5](#) and [806.302-570\(a\) and \(b\)](#).

(c) For procurements above the simplified acquisition threshold, pursuant to 38 U.S.C. 8127(c), contracting officers may also award a contract under this part to a certified SDVOSB/VOSB using procedures other than competitive procedures, as authorized by FAR [6.302-5](#) and [806.302-570\(a\) and \(c\)](#), and in accordance with [819.7008](#) and [819.7009](#).

Subpart 813.2—[Reserved]

Subpart 813.3—Simplified Acquisition Methods

813.305-70 VA's imprest funds and third party drafts policy.

VA's Governmentwide commercial purchase card and/or convenience checks shall be used in lieu of imprest funds and third party drafts.

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