



VA Acquisition Regulation Update

November 1, 2021

Number 2008-32

1. **Material Transmitted:** The attached pages contain revisions to the Department of Veterans Affairs Acquisition Regulation (VAAR) parts 802, Definitions of Words and Terms; 806 Competition Requirements; 852, Solicitation Provisions and Contract Clauses; 853, Prescription of Forms; 871, Vocational Rehabilitation and Employment Programs; and 873, Simplified Procedures for Health-Care Resources.

2. **Summary of Changes:** This VAAR update provides:

a. Revisions to the VAAR part 806 that were published in a Federal Register Notice as a final rule at [86 FR 54111](#) (document number 2021-20926) on September 30, 2021 with an effective date of November 1, 2021, and which adopted as a final rule the proposed rule published February 1, 2019.

b. Revisions to the VAAR part 873, and affected part 852, that were published in a Federal Register Notice as a final rule at [86 FR 54117](#) (document number 2021-20922) on September 30, 2021 with an effective date of November 1, 2021, and which adopted as a final rule the proposed rule published January 21, 2021.

c. Editorial changes to the VAAR parts 802, 852, and 853, that were published in a Federal Register Notice as a final rule at [86 FR 54402](#) (document number 2021-20921)

on October 1, 2021 with an effective date of November 1, 2021, and which adopted as a final rule the proposed rule published June 30, 2020.

d. Revisions to the VAAR part 871, and affected part 852, that were published in a Federal Register Notice as a final rule at [86 FR 54405](#) (document number 2021-20891) on October 1, 2021 with an effective date of November 1, 2021, and which adopted as a final rule the proposed rule published June 30, 2020.

e. Text revisions are listed and summarized below:

VAAR Part/Subpart	Title	Change Summary
TOC	Table of Contents	Revised at parts 871 and 873
806	Competition Requirements	Revised in its entirety.
802.1	Definitions.	Amended by: 1) Revising definitions for “Chief Acquisition Officer,” “HCA,” “SPE,” and “VIP;” 2) Adding “COR;” and 3) Removing “COTR,” “DSPE,” and “Resident Engineer.”
806.004-70	Definition.	Added.
806.102	Use of competitive procedures	Revised.
806.203	Set-asides for small business concerns.	Added.
806.270	Set-asides for Verified Veteran-owned small businesses.	Renumbered, renamed, and revised.
806.302	Circumstances permitting other than full and open competition.	Revised.
806.302-5	Authorized or required by statute.	Revised.
806.302-570	Noncompetitive procedures for verified Veteran-owned small businesses.	Renumbered, renamed, and revised.
806.302-571	Authorized or required by statute-VA unique authorities.	Added.
806.302-7	Public interest.	Removed.
806.304	[Reserved]	Removed.
806.501	Requirement.	Revised.
806.570	Planning requirements.	Removed.
852.101-70	Using Part 852.	Redesignated from 852.101.
852.102	Incorporating provisions and clauses.	Revised.
852.203-70	Commercial Advertising.	Revise heading.
852.207-70	Report of Employment under Commercial Activities.	Revise heading.
852.214-71	Restrictions on Alternate Items(s).	Revise heading.
852.214-72	Alternate Item(s).	Revise heading.
852.214-73	Alternate Packaging and Packing.	Revise heading.
852.214-74	Marking of Bid Samples.	Revise heading.
852.216-75	Economic Price Adjustment—Fuel Surcharge.	Revised.

VAAR Part/Subpart	Title	Change Summary
852.228-70	Bond Premium Adjustment.	Revise heading.
852.232-72	Electronic Submission of Payment Requests.	Revise heading.
852.246-73	Noncompliance with Packaging, Packing, and/or Marking Requirements.	Revise heading.
852.252-70	Solicitation Provisions or Clauses Incorporated by Reference.	Revise heading.
852.270-1	Representatives of Contracting Officers.	Revise heading.
852.271-72	Time Spent by Counselee in Counseling Process.	Revised.
852.271-73	Use and Publication of Counseling Results.	Revised.
852.271-74	Inspection of Instruction, Counseling or Testing Operations.	Renamed and revised.
852.271-75	Extension of contract period.	Removed and Reserved.
852.273-70	Late Offers.	Revised.
852.273-71	Alternative Negotiation Techniques.	Revised.
852.273-72	Alternative Evaluation.	Revised.
852.273-73	Evaluation—Health-Care Resources.	Revised.
852.273-74	Award Without Exchanges.	Revised.
853	Forms	Revised.
853.201	Federal acquisition system.	Removed.
853.201-1	Contracting authority and responsibilities (SF 1402).	Removed.
853.215	Contracting by negotiation.	Removed.
853.215-70	VA Form 10-1170, Application for Furnishing Nursing Home Care to Beneficiaries of VA.	Removed.
853.236	Construction and architect-engineer contracts.	Revised.
853.236-70	VA Form 6298, Architect-Engineer Fee Proposal.	Revised.
853.236-71	VA Form 2138, Order for Supplies or Services (Including Task Orders for Construction or A-E Services).	Revised.
853.236-72	VA Form 10101, Contractor Production Report.	Revised.
853.271	Loan Guaranty, Education and Vocational Rehabilitation and Counseling Programs.	Removed.
853.271-1	Loan Guaranty Program (VA Forms 26-6724 and 26-1839).	Removed.
852.271-2	Education Programs.	Removed
871	Vocational Rehabilitation and Employment Programs	Revised in its entirety.
871.1	Loan Guaranty and Direct Loan Programs	Removed and Reserved.
871.2	Vocational Rehabilitation and Employment Service	Revised.
871.200	Scope of subpart.	Revised.
871.201	General.	Revised.

VAAR Part/Subpart	Title	Change Summary
871.201-1	Requirements for the use of contracts.	Revised.
871.201-2	Requirements when contracts are not required.	Removed.
871.201-3	Medical services.	Removed.
871.201-4	Letter contracts.	Removed.
871.202	Marking and release of supplies.	Removed.
871.203.	Renewals or supplements to contracts.	Removed.
871.204	Guaranteed payment.	Removed.
871.205	Proration of charges.	Revised.
871.206	Other fees and charges.	Revised.
871.207	Payment of tuition or fees.	Revised.
871.208	Rehabilitation facilities.	Revised.
871.209	Prohibition on advertising—training of Veterans.	Renamed and Revised.
871.210	Contract clauses.	Revised.
873	Simplified Procedures for Health-Care Resources	Revised.
873.101	Policy.	Revised.
873.102	Definitions.	Revised.
873.103	Priority sources.	Revised.
873.104	Competition requirements.	Revised.
873.105	Acquisition planning.	Revised.
873.106	Exchanges with industry before receipt of proposals.	Renamed and revised.
873.107	Socioeconomic programs.	Revised.
873.108	Publicizing contract actions.	Revised.
873.109	General requirements for acquisition of health-care resources.	Revised.
873.110	Solicitation provisions.	Revised.
873.111	Acquisition strategies for health-care resources.	Revised.
873.112	Evaluation information.	Revised.
873.113	Exchanges with offerors.	Revised.
873.114	Best value pool.	Revised.
873.115	Proposal revisions.	Revised.
873.116	Source selection decision.	Revised.
873.117	Award to successful offeror.	Revised.
873.118	Debriefings.	Revised.

3. Filing Instructions:

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Effective date: November 1, 2021.