

**Department of Veterans Affairs**

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the contracting officer may disqualify the offeror from award under FAR 9.504(e).

(c) Even if awarding a contract will result in an organizational conflict of interest, the contracting officer may request a waiver from his or her HCA if awarding the contract is in the best interests of the Government.

(1) Before granting a waiver request under this paragraph, the HCA must obtain the concurrence of OGC.

(2) If the HCA grants a waiver request, the contracting officer may set contract terms and conditions to reduce any organizational conflict of interest to the greatest extent possible.

(d) In any solicitation for the services addressed at FAR 9.502, the contracting officer must require that each offeror submits a statement with its offer disclosing all facts relevant to an existing or potential organizational conflict of interest involving the contractor or any subcontractor during the life of the contract (see 809.507-1(b) and 852.209-70).

**809.507 Solicitation provisions and contract clause.**

**809.507-1 Solicitation provisions.**

(a) While conflicts of interest may not presently exist, award of certain types of contracts may create potential future organizational conflicts of interest (see FAR 9.508 for examples). If a solicitation may create a potential future organizational conflict of interest, the contracting officer shall insert a provision in the solicitation imposing an appropriate restraint on the contractor's eligibility for award of contracts in the future. Under FAR 9.507-1, the restraint must be appropriate to the nature of the conflict and may exclude the contractor from award of one or more contracts in the future.

(b) The clause at 852.209-70, Organizational conflicts of interest, must be included in any solicitation for the services addressed in FAR 9.502.

**PART 810—MARKET RESEARCH**

- Sec.
- 810.001 Market research policy.
- 810.002 Market research procedures.

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

SOURCE: 74 FR 64630, Dec. 8, 2009, unless otherwise noted.

**810.001 Market research policy.**

When conducting market research, VA contracting teams shall use the VIP database, at <http://www.VetBiz.gov>, in addition to other sources of information.

**810.002 Market research procedures.**

Contracting officers shall record VIP queries in the solicitation file by printing the results of the search(s) along with specific query used to generate the search(s).

**PART 811—DESCRIBING AGENCY NEEDS**

**Subpart 811.0—Definitions**

- Sec.
- 811.001 Definitions.

**Subpart 811.1—Selecting and Developing Requirements Documents**

- 811.103 Market acceptance.
- 811.103-70 Technical industry standards.
- 811.104 Use of brand name or equal purchase descriptions.
- 811.104-70 Brand name or equal purchase descriptions.
- 811.104-71 Purchase description clauses.
- 811.104-72 Limited application of brand name or equal.
- 811.104-73 Bid samples.
- 811.104-74 Bid evaluation and award.
- 811.104-75 Procedure for negotiated procurements.
- 811.105 Items peculiar to one manufacturer.
- 811.107 Contract clauses.

**Subpart 811.2—Using and Maintaining Requirements Documents**

- 811.202 Maintenance of standardization documents.
- 811.204 Contract clause.

**Subpart 811.4—Delivery or Performance Schedules**

- 811.404 Contract clause.

**Subpart 811.5—Liquidated Damages**

- 811.501 Policy.
- 811.503 Contract clause.