

interference or that any particular transmission from this transmitter will be free from interference.”

§ 95.1217 Labeling requirements.

(a) Medical implant programmer/controller transmitters shall be labeled as provided in part 2 of this chapter and shall bear the following statement in a conspicuous location on the device:

This device may not interfere with stations operating in the 400.150–406.000 MHz band in the Meteorological Aids, Meteorological Satellite, and Earth Exploration Satellite Services and must accept any interference received, including interference that may cause undesired operation.

(b) Where a medical implant programmer/control transmitter is constructed in two or more sections connected by wire and marketed together, the statement specified in this section is required to be affixed only to the main control unit.

(c) Medical implant transmitters shall be identified with a serial number. The FCC ID number associated with the transmitter and the information required by § 2.925 of the FCC Rules may be placed in the instruction manual for the transmitter and on the shipping container for the transmitter, in lieu of being placed directly on the transmitter.

§ 95.1219 Marketing limitations.

Transmitters intended for operation in the MICS may be marketed and sold only for those uses described in § 95.1209 of this part.

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DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 808, 812, 813, 852 and 853

RIN 2900–AJ16

VA Acquisition Regulation: Simplified Acquisition Procedures

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs Acquisition Regulation (VAAR) concerning simplified acquisition procedures. It amends VAAR provisions to conform to the Federal Acquisition Regulation, to update references and section titles, and to remove obsolete material. It also makes non-substantive changes for purposes of clarity.

EFFECTIVE DATE: December 15, 1999.

FOR FURTHER INFORMATION CONTACT: Don Kaliher, Acquisition Policy Team (95A), Office of Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420, telephone number (202) 273–8819.

SUPPLEMENTARY INFORMATION: On June 4, 1999, we published in the **Federal Register** (64 FR 29981) a proposal to amend the Department of Veterans Affairs Acquisition Regulation (VAAR) to make changes relating to simplified acquisition procedures (VAAR part 813 and related parts). Comments were solicited concerning the proposal for 60 days, ending August 3, 1999. We did not receive any comments. The information presented in the proposed rule document still provides a basis for this final rule. Based on the rationale set forth in this document and in the proposed rule document, we are adopting the provisions of the proposed rule as a final rule with no changes, other than non-substantive changes for purposes of clarity.

The Secretary hereby certifies that this final rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. This final rule does not make any substantive changes to the VA Acquisition Regulation and would have little, if any, impact on small businesses. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

List of Subjects

48 CFR Part 808

Government procurement, Utilities.

48 CFR Parts 812, 813 and 853

Government procurement.

48 CFR Part 852

Government procurement, Reporting and recordkeeping requirements.

Approved: November 18, 1999.

Togo D. West, Jr.,
Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 48 CFR Chapter 8 is amended as follows:

PART 808—REQUIRED SOURCES OF SUPPLIES AND SERVICES

1. The authority citation for part 808 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

808.404–1 [Removed]

2. Section 808.404–1 is removed.

808.404–3 [Removed]

3. Section 808.404–3 is removed.

PART 812—ACQUISITION OF COMMERCIAL ITEMS

4. The authority citation for part 812 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

5. In section 812.301, paragraphs (c)(13), (c)(14), and (c)(15) are redesignated as paragraphs (c)(14), (c)(15), and (c)(16), respectively; newly redesignated paragraph (c)(16) is revised and a new paragraph (c)(13) is added to read as follows:

812.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

* * * * *

(c) * * *

(13) 852.252–1, Provisions or clauses requiring completion by the offeror or prospective contractor.

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(16) 852.270–3, Purchase of shellfish.

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PART 813—SIMPLIFIED ACQUISITION PROCEDURES

6. The part heading for part 813 is revised to read as set forth above.

7. The authority citation for part 813 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

8. Subpart 813.1 is added to read as follows:

Subpart 813.1—Procedures

Subpart 813.5 [Redesignated as Subpart 813.3]

9. Subpart 813.5 is redesignated as subpart 813.3; and the subpart heading is revised to read as follows:

Subpart 813.3—Simplified Acquisition Methods

10. Section 813.302 and heading are added to read as follows:

813.302 Purchase orders.

813.305–2 [Redesignated as 813.307]

11. Section 813.505–2 is redesignated as 813.307 and is transferred to subpart 813.3; the section heading and paragraphs (a) and (e) are revised to read as follows:

813.307 Forms.

(a) VA Form 90–2138, Order for Supplies or Services, VA Form 90–2139,

Order for Supplies or Services (Continuation), VA Form 90-2138-ADP, Purchase Order for Supplies or Services, and VA Form 2139-ADP, Order for Supplies and Services (Continuation), provide in one set of forms a purchase or delivery order, vendor's invoice, and receiving report. They will be used in lieu of but in the same manner as Optional Form 347, Order for Supplies or Services, Optional Form 348, Order for Supplies or Services Schedule—Continuation, and Standard Form 1449, Solicitation/Contract/Order for Commercial Items.

* * * * *

(e) VA Form 10-2421, Prosthetics Authorization and Invoice, will be used for indicated procurements not in excess of \$300.

813.506-70 [Redesignated as 813.106-70]

12. Section 813.506-70 is redesignated as 813.106-70 and is transferred to the beginning of subpart 813.1; and is amended by removing "13.106(c)" and adding, in its place, "13.106-3".

813.507 [Redesignated as 813.302-5]

13. Section 813.507 is redesignated as 813.302-5 and is transferred to subpart 813.3 following section 813.302; and is revised to read as follows:

813.302-5 Clauses.

When using VA Forms 90-2138 or 90-2138-ADP for maintenance contracts involving services performed on Government property which have the potential for property damage and liability claims, the contracting officer shall insert in the purchase order the Contractor Responsibilities clause found at 852.237-70. Applicable maintenance contracts include but are not limited to window washing, pest control, and elevator maintenance.

PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

14. The authority citation for part 852 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

15. Section 852.102 is added to read as follows:

852.102 Incorporating provisions and clauses by reference.

(a) As authorized by FAR 52.102(c), any 48 CFR chapter 8 (VAAR) provision or clause may be incorporated in a quotation, solicitation, or contract by reference, provided the contracting officer complies with the requirements stated in FAR 52.102(c)(1), (c)(2), and

(c)(3). To ensure compliance with FAR 52.102(c)(1) and (c)(2), the contracting officer shall insert the provision found at 852.252-1, Provisions or clauses requiring completion by the offeror or prospective contractor, in full text in a quotation, solicitation, or contract if the quotation, solicitation, or contract incorporates by reference a FAR or 48 CFR chapter 8 (VAAR) provision or clause that requires completion by the offeror or prospective contractor and submittal with the quotation or offer.

(b) For any FAR or 48 CFR chapter 8 (VAAR) provision or clause that requires completion by the contracting officer, the contracting officer shall, as a minimum, insert in the quotation, solicitation, or contract the title of the provision or clause and the full text of the paragraph that requires completion. The balance of the provision or clause may be incorporated by reference.

(c) If one or more FAR or 48 CFR chapter 8 (VAAR) provisions, or portions thereof, are incorporated in a quotation or solicitation by reference, the contracting officer shall insert in the quotation or solicitation the provision found at FAR 52.252-1, Solicitation Provisions Incorporated by Reference.

(d) If one or more FAR or 48 CFR chapter 8 (VAAR) clauses, or portions thereof, are incorporated in a quotation, solicitation, or contract by reference, the contracting officer shall insert in the quotation, solicitation, or contract the clause found at FAR 52.252-2, Clauses Incorporated by Reference.

(e) If one or more FAR provisions or clauses, or portions thereof, are incorporated in a quotation, solicitation, or contract by reference, the contracting officer shall insert in the FAR provision or clause required by paragraph (c) or (d) of this section the following Internet address: <http://www.arnet.gov/far/>

(f) If one or more 48 CFR chapter 8 (VAAR) provisions or clauses, or portions thereof, are incorporated in a quotation, solicitation, or contract by reference, the contracting officer shall insert in the FAR provision or clause required by paragraph (c) or (d) of this section the following Internet address: <http://www.va.gov/oa&mm/vaar/>

16. Section 852.252-1 is added to read as follows:

852.252-1 Provisions or clauses requiring completion by the offeror or prospective contractor.

As prescribed in 852.102(a), insert the following provision:

PROVISIONS OR CLAUSES THAT REQUIRE COMPLETION BY THE OFFEROR OR PROSPECTIVE CONTRACTOR (DEC 1999)

The following provisions or clauses incorporated by reference in this solicitation

must be completed by the offeror or prospective contractor and submitted with the quotation or offer. Copies of these provisions or clauses are available on the Internet at the web sites provided in the provision at FAR 52.252-1, Solicitation Provisions Incorporated by Reference, or the clause at FAR 52.252-2, Clauses Incorporated by Reference. Copies may also be obtained from the contracting officer.

[Contracting officer shall list all FAR and 48 CFR Chapter 8 (VAAR) provisions and clauses incorporated by reference that must be completed by the offeror or prospective contractor and submitted with the quotation or offer.]

(End of provision)

PART 853—FORMS

17. The authority citation for part 853 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

Subpart 853.2—Prescription of Forms

18. Section 853.213 is revised to read as follows:

853.213 Simplified acquisition procedures.

The following forms are prescribed as stated in this section for use in simplified acquisition procedures, orders under existing contracts or agreements, orders from required sources of supplies and services, and orders for other supplies or services:

(a) VA Forms 90-2138, Order for Supplies or Services, or 90-2138-ADP, Purchase Order for Supplies or Services, shall be used as stated in 813.307. They will be used in lieu of Optional Form 347, Order for Supplies and Services, or Standard Form 1449, Solicitation/Contract/Order for Commercial Items.

(b) The following forms are for use for obtaining indicated medical and dental services within the limitations prescribed in 813.307:

(1) VA Form 10-7078, Authorization and Invoice for Medical and Hospital Services.

(2) VA Form 10-7079, Request for Outpatient Medical Services.

(3) VA Form 10-2570d, Dental Record, Authorization and Invoice for Outpatient Services.

(c) VA Form 10-2511, Authority and Invoice for Travel by Ambulance or Other Hired Vehicle, will be used as prescribed in 813.307.

(d) VA Form 10-2421, Prosthetics Authorization and Invoice, will be used for indicated procurements not in excess of \$300 as prescribed in 813.307.

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