

Date: September 28, 2020

From: Executive Director, Office of Acquisition and Logistics (003A), and Senior Procurement Executive

Subj: Class Deviation from VA Acquisition Regulation Parts 803, 819, 827, 847 and 849 Regarding Certified Mail Receipt Requested and Mail Requirements (VIEWS 02946850)

To: Heads of the Contracting Activities

- 1. Purpose.** To issue a VA Acquisition Regulation (VAAR) class deviation in accordance with FAR 1.404, Class deviations, to provide an exception to certified mail receipt requested and mail requirements.
- 2. Effective Date.** October 1, 2020.
- 3. Expiration Date.** This deviation expires once incorporated into the VAAR or is otherwise rescinded.
- 4. Applicability.** These class deviations apply to all VA contracting activities.
- 5. Current VAAR Policy:** Various Federal Acquisition Regulation parts require certified mail receipt requested or mailing, without the flexibility of other methods for such mailing or obtaining evidence of receipt, such as electronic return receipt.
- 6. Need for Deviation.** Flexibility to allow other methods of mailing and evidence of receipt for notices and documents will be beneficial during times of emergency or crisis, such as those presented by the Novel Coronavirus 2019 pandemic.
- 7. Required Action.** Contracting officers shall follow the procedures described in the attached VAAR deviations.
- 8. Additional information.** Submit questions or concerns regarding this deviation via email at VA.Procurement.Policy@va.gov or (202) 632-5288.

Angela Billups
1724054

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Billups 1724054
Date: 2020.09.28 09:23:01
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Angela Billups, Ph.D.

Attachment

ATTACHMENT

VAAR Deviation Text

VAAR Baseline: Effective July 16, 2020

- Additions to baseline made by rule are indicated by [bold text in brackets]
- Deletions to baseline made by rule are indicated by ~~strikethroughs~~
- Five asterisks (*****) indicate that there are no revisions between the preceding and following sections or subparts
- Three asterisks (***) indicate that there are no revisions between the material shown within a section

CLASS DEVIATION

VETERANS AFFAIRS ACQUISITION REGULATION (VAAR)

Part 803—Improper Business Practices and Personal Conflicts of Interest

[Subpart 803.7—Voiding and Rescinding Contracts

803.705 Procedures.

(c) *Decision-making process.*

(1) The notice shall be sent by certified mail, return receipt requested, or by any other method that provides evidence of receipt.

(e) *Final agency decision.* The notice of the decision shall be sent promptly by certified mail, return receipt requested, or by any other method that provides evidence of receipt.]

Part 819—Small Business Programs

Subpart 819.3—Determination of Small Business Size and Status for Small Business Programs

[819.302 Protesting a small business representation or rerepresentation.

(e)(2) The documents are to be furnished to the concern whose representation is being protested by certified mail, return receipt requested, or by any other method that provides evidence of receipt.]

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[Part 827—Patents, Data, and Copyrights

Subpart 827.3—Patent Rights under Government Contracts

827.306 Licensing background patent rights to third parties.

(b) The agency shall notify the contractor of the determination by certified or registered mail, or by any other method that provides evidence of receipt.]

Part 847—Transportation

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[847.303-17 Contractor-prepaid commercial bills of lading, small package shipments.

(b) When consolidation is authorized, a copy of the commercial bill of lading shall be mailed, electronically mailed, or otherwise furnished promptly to each consignee.]

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Part 849—Termination of Contracts

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[Subpart 849.1—General Principles

849.102 Notice of termination.

(a) *General.* The notice shall be sent by certified mail, return receipt requested, or by any other method that provides evidence of receipt.]

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[849.109 Settlement agreements.

849.109-7 Settlement by determination.

(b) *Notice to contractor.* The TCO notice shall be sent by certified mail (return receipt requested), or any other method that provides evidence of receipt.]

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