

**SUBCHAPTER B—COMPETITION AND ACQUISITION PLANNING
PART 807—ACQUISITION PLANNING**

Subpart 807.1 – Acquisition Plans

Sec.

807.103 Agency-head responsibilities.

Subpart 807.3 – Contractor Versus Government Performance

807.300 Scope of subpart.

807.304-77 Right of first refusal.

AUTHORITY: 40 U.S.C. 121(c) and 48 CFR 1.301-1.304.

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SUBPART 807.1 – ACQUISITION PLANS**807.103 Agency-head responsibilities.**

The authority to prescribe procedures in FAR 7.103 is delegated to the SPE and is further delegated to the DSPE.

SUBPART 807.3 – CONTRACTOR VERSUS GOVERNMENT PERFORMANCE**807.300 Scope of subpart.**

This subpart prescribes the use of VAAR clause at 852.207-70, Report of employment under commercial activities, when contracting for commercial services under Office of Management and Budget (OMB) Circular A-76 or VA's cost comparison process. The cost comparison process is used by VA to determine whether to use commercial or Government resources to provide commercial services.

807.304-77 Right of first refusal.

(a) In addition to the Right of First Refusal of Employment clause specified in FAR 52.207-3, the contracting officer must include the clause "Report of Employment Under Commercial Activities" at 852.207-70 in all cost comparison solicitations where VA personnel may be displaced. This clause is primarily intended to verify that the contractor is meeting its obligation to provide Federal workers who are adversely affected by the contract award and who are qualified for the jobs the first opportunity for employment openings created by the contract.

(b) The Report of Employment Under Commercial Activities clause is also prescribed to avoid inappropriate severance payment. To implement the clause, the contracting officer (or COTR) must first obtain a list of Federal personnel who will be adversely affected as a result of the anticipated contract from the servicing Human Resources Service office. The list should be requested as soon as a preliminary determination is made to contract out a function subject to OMB Circular A-76. (Contracting officers may designate a COTR to coordinate the information and reporting requirements.)

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