

## 819.7002

owned and operated small businesses, including Vietnam era and disabled, in VA acquisitions.

(b) All VA facilities having procurement requirements for which veteran-owned small businesses are known sources, will take affirmative action to solicit these firms and assist them in participating in VA acquisition opportunities.

[50 FR 793, Jan. 7, 1985, as amended at 55 FR 49900, Dec. 3, 1990]

### 819.7002 Definition.

A veteran-owned small business is a small business that is at least 51 percent owned by a veteran who also controls and operates the business. Control in this context means exercising the power to make policy decisions. Operate in this context means actively involved in day-to-day management. For purposes of this definition, eligible veterans include:

(a) Veterans who served in the U.S. Armed Forces and were discharged or released under conditions other than dishonorable.

(b) Vietnam era veterans who served for a period of more than 180 days, any part of which was between August 5, 1964, and May 7, 1975, and were discharged other than dishonorably.

(c) Disabled veterans with a minimum compensable disability of 30 percent, or a veteran who was discharged for disability.

[49 FR 12608, Mar. 29, 1984, as amended at 54 FR 40064, Sept. 29, 1989; 55 FR 49900, Dec. 3, 1990]

### 819.7003 Procedure.

(a) To obtain information on business development for veteran-owned businesses and further identify veteran-owned small businesses, contracting officers shall contact the veterans affairs officers at the local SBA district office. When counselling small businesses, contracting officers shall determine if the business is veteran-owned and operated and ensure that SF 129s are completed properly to identify veteran-owned business.

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(b) The veteran-owned business representation in 852.219-70 shall be included in all solicitations.

[55 FR 49901, Dec. 3, 1990]

### 819.7004 Waiver of the use of veteran-owned firms.

It is the policy of the Department of Veterans Affairs to provide veteran-owned firms every opportunity to participate in the acquisition process. A contracting office wishing to waive this policy for a particular procurement involving other than small purchase procedures must first process a VA Form 90-2268. The contracting officer must clearly document on VAF 90-2268 the reasons that eligible veteran-owned firms are not intended to be solicited or quotations sought for the particular procurement. Exempt from this reporting requirement are SBA 8(a) acquisitions.

[50 FR 793, Jan. 7, 1985, as amended at 52 FR 37317, Oct. 6, 1987; 52 FR 46083, Dec. 4, 1987; 54 FR 40064, Sept. 29, 1989; 55 FR 49901, Dec. 3, 1990; 63 FR 69220, Dec. 16, 1998]

## PART 822—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

### Subpart 822.3—Contract Work Hours and Safety Standards Act

Sec.

822.304 Variations, tolerances, and exemptions.

### Subpart 822.4—Labor Standards for Contracts Involving Construction

822.478 Contract terminations.

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

SOURCE: 49 FR 12610, Mar. 29, 1984, unless otherwise noted.

### Subpart 822.3—Contract Work Hours and Safety Standards Act

#### 822.304 Variations, tolerances, and exemptions.

When a contract is entered into for nursing home care, the clause prescribed by FAR 22.305 will be modified

to reflect the variation contained in 29 CFR 5.15(d)(3) as set forth in 852.222-70.

**Subpart 822.4—Labor Standards for Contracts Involving Construction**

**822.478 Contract terminations.**

(a) Prior to terminating any contract because of violations of the labor standards provisions of the contract, contracting officers, other than those in the Office of Facilities Management will, through the Deputy Assistant Secretary for Acquisition and Materiel Management, present the facts in detail to the General Counsel for review. The contracting officer will be advised by the Deputy Assistant Secretary for Acquisition and Materiel Management as to the recommended action to be taken.

(b) Prior to terminating a contract managed by the Office of Facilities Management for labor standards violation, the contracting officer will, through the Chief Facilities Management Officer, present the facts in detail to the General Counsel for review. The contracting officer will be advised by the Chief Facilities Management Officer, as to the recommended action.

(c) If the contract is to be terminated, the Deputy Secretary for Acquisition and Materiel Management or the Chief Facilities Management Officer will submit the reports required by 29 CFR 5.7(d).

[49 FR 12610, Mar. 29, 1984, as amended at 54 FR 40064, Sept. 29, 1989; 63 FR 69220, Dec. 16, 1998]

**PART 824—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION**

**Subpart 824.1—Protection of Individual Privacy**

Sec.  
824.102 General.

**Subpart 824.2—Freedom of Information Act**

824.202 Policy.

AUTHORITY: 38 U.S.C. 210 and 40 U.S.C. 486(c).

**Subpart 824.1—Protection of Individual Privacy**

**824.102 General.**

(a) The pertinent Department rules regarding the implementation of the Privacy Act of 1974 consist of 38 CFR 1.575 through 1.584.

[49 FR 12611, Mar. 29, 1984, as amended at 54 FR 40064, Sept. 29, 1989]

**Subpart 824.2—Freedom of Information Act**

**824.202 Policy.**

Department rules implementing the Freedom of Information Act are contained in 38 CFR 1.550 through 1.559.

[49 FR 12611, Mar. 29, 1984; as amended at 54 FR 40064, Sept. 29, 1989]

**PART 825—FOREIGN ACQUISITION**

**Subpart 825.1—Buy American Act—Supplies**

Sec.  
825.102 Policy.  
825.102-70 Nonavailability in the United States.  
825.105 Evaluating offers.  
825.108 Excepted articles, materials and supplies.

**Subpart 825.2—Buy American Act—Construction Materials**

825.202 Policy.  
825.202-70 Nonavailability in the United States.  
825.203 Evaluating offers.

**Subpart 825.3—Balance of Payments Program**

825.302 Policy.  
825.302-70 Deviations from the Balance of Payments Program.  
825.304 Excess and near-excess foreign currencies.  
825.304-70 Determination of feasibility to use excess or near-excess foreign currency.

**Subpart 825.6—Customs and Duties**

825.603 Procedures.  
825.603-70 Technical assistance.

**Subpart 825.7—Restrictions on Certain Foreign Purchases**

825.703 Exceptions.