

**836.606-73**

director, as appropriate, terminate the negotiations and undertake negotiations with the firm next in order of preference.

(b) The contracting officer shall submit a recommendation for award of the contract at the negotiated fee to the Director, Office of Construction and Facilities Management, the Director, Office of Construction Management, or the facility or VISN director, as appropriate. A copy of the negotiation memorandum prepared in accordance with FAR 15.406-3 and, whenever a field pricing report has been received, a copy of the report must accompany the recommendation.

**836.606-73 Application of 6 percent architect-engineer fee limitation.**

(a) The total cost of the architect or engineer services contracted for must not exceed 6 percent of the estimated cost of the construction project plus any fees for related services and activities such as those shown in paragraph (c) of this section.

(b) To support project submissions, the engineering officer or project engineer must use VA Form 10-1193, Application for Health Care Facility Project, and Form 10-6238, EMIS Construction Program Estimate Worksheet, and must show the proposed technical services where necessary and applicable.

(c) The 6 percent fee limitation does not apply to the following architect or engineer services:

- (1) Investigative services including but not limited to:
  - (i) Determination of program requirements, including schematic or preliminary plans and estimates;
  - (ii) Determination of feasibility of proposed project;
  - (iii) Preparation of measured drawings of existing facility;
  - (iv) Subsurface investigation;
  - (v) Structural, electrical, and mechanical investigation of existing facility; and
  - (vi) Surveys: topographic, boundary, utilities, etc.
- (2) Special consultant services that are not normally available in organizations of architects or engineers and that are not specifically applied to the actual preparation of working drawings

**48 CFR Ch. 8 (10-1-10 Edition)**

or specifications of the project for which the service are required.

(3) Other:

- (i) Reproduction of approved designs through models, color renderings, photographs, or other presentation media;
- (ii) Travel and per diem allowances other than those required for the development and review of working drawings and specifications;
- (iii) Supervision or inspection of construction, review of shop drawings or samples, and other services performed during the construction phase; and
- (iv) All other services that are not an integral part of the production and delivery of plans, designs, and specifications.

(4) The cost of reproducing drawings and specifications for bidding and their distribution to prospective bidders and plan file rooms.

**PART 837—SERVICE CONTRACTING**

**Subpart 837.1—Service Contracts—General**

Sec.

- 837.103 Contracting officer responsibility.
- 837.110 Solicitation provisions and contract clauses.
- 837.110-70 Services provided to eligible beneficiaries.

**Subpart 837.2—Advisory and Assistance Services**

- 837.203 Policy.

**Subpart 837.4—Nonpersonal Health Care Services**

- 837.403 Contract clause.

**Subpart 837.70—Mortuary Services**

- 837.7001 General.
- 837.7002 List of qualified funeral directors.
- 837.7003 Funeral authorization.
- 837.7004 Administrative necessity.
- 837.7005 Unclaimed remains—all other cases.

AUTHORITY: 38 U.S.C. 501; 40 U.S.C. 121(c); and 48 CFR 1.301-1.304.

SOURCE: 73 FR 2717, Jan. 15, 2008, unless otherwise noted.

**Subpart 837.1—Service Contracts—General**

**837.103 Contracting officer responsibility.**

When the contracting officer determines that legal assistance is necessary in determining whether a proposed service contract is for personal or non-personal services, the contracting officer will request a legal opinion from the appropriate Regional Counsel.

**837.110 Solicitation provisions and contract clauses.**

The contracting officer shall insert the clause at 852.237-70 Contractor responsibilities, in solicitations and contracts for services.

**837.110-70 Services provided to eligible beneficiaries.**

Contracting officers shall include the clause at 852.271-70, Nondiscrimination in services provided to beneficiaries, in all solicitations and contracts covering services provided to eligible beneficiaries.

**Subpart 837.2—Advisory and Assistance Services**

**837.203 Policy.**

The definition of advisory and assistance services includes, in addition to examples listed in FAR 37.203, services to obtain peer review of research proposals.

**Subpart 837.4—Nonpersonal Health Care Services**

**837.403 Contract clause.**

The contracting officer shall insert the clause at 852.237-7, Indemnification and medical liability insurance, in lieu of FAR Clause 52.237-7, in solicitations and contracts for nonpersonal health-care services, including contracts awarded under the authority of 38 U.S.C. 7409, 38 U.S.C. 8151-8153, and part 873. The contracting officer may include the clause in bilateral purchase orders for nonpersonal health-care services awarded under the procedures in FAR Part 13 and Part 813.

**Subpart 837.70—Mortuary Services**

**837.7001 General.**

This subpart establishes the policies and procedures governing the procurement of funeral and burial services for deceased beneficiaries of VA, as provided in 38 U.S.C. 2302, 2303, and 2308.

**837.7002 List of qualified funeral directors.**

Contracting officers will establish, in coordination with cognizant Chief, Medical Administration Service (MAS) personnel or other personnel designated by the facility director to perform these functions, a list of funeral directors capable of performing the burial services specified in 837.7003. The contracting officer will attempt to establish a commitment to perform these services within the statutory limitation of \$300 (see 38 U.S.C. 2302). Each funeral director must be fully licensed in the jurisdiction in which the business operates. If there has been no prior experience with the funeral director that would ensure the adequacy of the funeral director's services and casket, arrangements will be made before contract negotiation to inspect the premises and the casket to be provided, as well as to check with the local business bureau and/or Chamber of Commerce. (38 U.S.C. 2302)

**837.7003 Funeral authorization.**

(a) When a veteran dies while receiving care in a VA health care facility or in a non-VA institution at VA's expense, and the decedent's remains are unclaimed, the Chief, MAS, or the person designated by the facility director to perform these functions, will forward to the HCA a properly executed VA form 10-2065, Funeral Arrangements, requesting that funeral and burial services for the deceased be procured.

(b) The contracting officer will enter into negotiations with local funeral directors to procure a complete funeral and burial service within the statutory allowance of \$300. The purchase order must list the specific services to be provided. The services must consist of the following:

- (1) Preparation of the body, embalming.

## 837.7004

(2) Clothing.

(3) Casket. (The casket, at a minimum, must be constructed from thick, strong particle board and must be of sufficient strength to support the weight of an adult human body. Card-board or press paper or similar materials are not acceptable.)

(4) The securing of all necessary permits.

(5) Ensuring that a United States flag (provided the funeral director in accordance with M-1, Part I, paragraph 14.40) accompanies the casket to the place of burial.

(c) An additional allowance for transportation of the body to the place of burial is provided in 38 U.S.C. 2308. This allowance will cover the transportation cost of shipment of the body by common carrier or by hearse from the VA facility to the funeral home and to the place of burial, any charges for an outside shipping box, and the charges for securing all necessary permits for removal or shipment of the body. These costs are not chargeable against the \$300 allowance.

(d) In accordance with M-1, Part I, paragraph 14.37, the contracting officer will designate the Chief, MAS, or the person designated by the facility director to perform these functions, to be responsible for the medical inspection of the mortuary services performed and inspection of the merchandise furnished. This designee will also be responsible for certifying receipt on the receiving report.

(e) The HCA will assist the Chief, MAS, or the person designated by the facility director to perform these functions, in developing the local procedures specified in M-1, Part I, paragraph 14.37c. (38 U.S.C. 2302, 2303, and 2308)

### **837.7004 Administrative necessity.**

(a) VA may make arrangements and assume expenses for local burial under separate contractual agreement when:

(1) A person dies under VA care who is not legally entitled to such care at VA's expense;

(2) No relatives or friends claim the remains; and

(3) The municipal, county, or State officials refuse to provide for final disposition.

## 48 CFR Ch. 8 (10-1-10 Edition)

(b) When the contracting officer cannot obtain a full and complete funeral and burial service as prescribed in 837.7003 within the statutory allowance, before taking any further action, the contracting officer will secure from the facility or VISN director, as appropriate, a written determination that VA must accomplish the disposition of the remains as an administrative necessity. The facility director will also authorize in writing the expenditure of such additional funds as may be necessary for this purpose.

(c) The contracting officer will make the facility director's determination and authorization a part of the contract file. (38 U.S.C. 2302)

### **837.7005 Unclaimed remains—all other cases.**

Requests for information on the disposition of the unclaimed remains of a veteran whose death occurs while not under the direct care or treatment of VA will be referred to the Veterans Services Officer for processing in accordance with M27-1, Part II.

## **PART 839—ACQUISITION OF INFORMATION TECHNOLOGY [RESERVED]**

## **PART 841—ACQUISITION OF UTILITY SERVICES**

### **Subpart 841.1—General**

Sec.

841.100 Scope of part.

841.103 Statutory and delegated authority.

### **Subpart 841.2—Acquiring Utility Services**

841.201 Policy.

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

SOURCE: 73 FR 2717, Jan. 15, 2008, unless otherwise noted.

### **Subpart 841.1—General**

#### **841.100 Scope of part.**

This part prescribes procedures for obtaining delegations of authority to award contracts for utility connection charges and provides guidance on review requirements for such proposed contracts.