

**Department of
Veterans Affairs**

Memorandum

Date:

From: Director, Procurement Policy and Warrant Management Service (003A2A)

Subj: Request for Office of Management Review and Consideration for Emergency Clearance for VAAR Clause 852.211-70, Equipment Operation and Maintenance Manuals (OMB Control No. 2900-0587)

To: Neomi Rao, Administrator, Office of Information and Regulatory Affairs (OIRA)

cc: Stephanie Tatham, VA Desk Officer

1. The purpose of this memorandum is for the Department of Veterans Affairs (VA) to request emergency clearance of an information collection under the Paperwork Reduction Act pursuant to 48 CFR 852.211-70. The title of this information collection is VA Acquisition Regulation Clause 852.211-70, Equipment Operation and Maintenance Manuals.

2. The Office of Federal Procurement Policy (OFPP) Act provides the authority for an agency head to issue agency acquisition regulations that implement or supplement the Federal Acquisition Regulation (FAR). On October 1, 2018, VA published a final rule (RIN 2900-AP81) at 83 FR 49302 to revise its VA Acquisition Regulation (VAAR) Clause 852.211-70's title from "Service Data Manuals" to "Equipment Operation and Maintenance Manuals" and to remove the requirement to develop Government-specified service manuals. The VA has eliminated an unnecessary burden on the public by making use of commercial operation and maintenance manuals just like the general public and established commercial practices, thereby reducing by half the estimated annual hourly burden which is now estimated at 311 hours, a reduction of 310 annual burden hours and an annual burden cost savings of \$7,722 to respondents.

3. Information collection associated with this final rule, VAAR clause 852.211-70, Equipment Operation and Maintenance Manuals, is used when VA purchases technical medical equipment and devices or mechanical equipment. The clause requires the contractor to furnish both operator's manuals and maintenance/repair manuals with the equipment provided to the Government. This clause sets forth those requirements and sets forth the minimum standards those manuals must meet to be acceptable. Generally, this is the same operator's manual furnished with each piece of equipment sold to the general public and the same repair manual used by company technicians in repairing the company's equipment. The operator's manual will be used by the individual actually operating the equipment to ensure proper operation and cleaning. The repair manual will be used by VA equipment repair staff to repair the equipment.

4. The information collection for this VAAR Clause is essential to the mission of the agency. Failure to collect the information would have a negative impact on VA.
5. Per 5 CFR 1320.13(a)(2), an executive agency may request an emergency processing of information collection, when the agency cannot reasonably comply with the normal clearance procedures under that part because: public harm is reasonably likely to result if normal clearance procedures are followed; an unanticipated event has occurred; or the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause a statutory or court ordered deadline to be missed.
6. In this case, public harm is reasonably likely to result if normal clearance procedures are followed. Without the information, VA would be purchasing medical equipment for which it would not have proper operating instructions. This could be hazardous to VA employees and to VA patients. In addition, without maintenance manuals, VA would be unable to make repairs to the equipment.
7. VA requests emergency processing of this information collection no later than March 8, 2019. As a result of revising the clause, VA has eliminated an unnecessary burden on the public by requiring contractors to submit commercial operation and maintenance manuals.
8. Any questions may be addressed to Mr. Rafael Taylor, Senior Procurement Analyst, the Office of Acquisition and Logistics (003A), Procurement Policy and Warrant Management Services (003A2A) via phone at (202) 382-2787 or by email at Rafael.Taylor@va.gov.
9. Thank you for your consideration in this matter.


Sheila P. Darrell