

**To:** VA LCOs and Staff

**Subject:** CFM ORP VA-Wide Leasing Policy Alert 2023-02: JOTFOC and Lack of Competition Templates

**Date:** Thursday, December 15, 2022 2:20:17 PM

**Attachments:** [JOTFOC Template 8103\(h\) 8.15.2022.docm](#)  
[Lack of Competition - Memo to File - 11.10.22 FINAL.docx](#)

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# Office of Construction and Facilities Management's Office of Real Property's VA-Wide Leasing Policy Alert 2023-02: Updated academic affiliates JOTFOC template for non-competitive lease procurements as authorized under 38 U.S.C. § 8103(h) and updated Lack of Competition – Memo to File, including academic affiliates option.

The Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act of 2022, implemented by [P.L. 117-168](#), and as specifically addressed in Sec. 704, expanded 38 U.S.C. § 8103 to allow explicit authority for VHA to lease from academic affiliates or covered entities without competition (see [38 U.S.C. § 8103\(h\)](#)). Use of this statutory authority requires appropriate justification or documentation for the lack of full and open competition, depending on the value of the lease procurement.

For non-competitive lease procurements to academic affiliates or covered entities above the Simplified Lease Acquisition Threshold (SLAT), the attached Justification for Other than Full and Open Competition template is required for use. The template includes instructional text for ease of use and paragraph #5 identifies specific criteria which must be addressed to use this authority.

For non-competitive lease procurements to academic affiliates or covered entities at or below the SLAT, the attached Lack of Competition – Memo to File is required for use. The memo is an updated and renamed version of the Below SLAT JOTFOC Memo 2020 which was available on the ELMT's sharepoint. The revised memo

incorporates non-competitive lease procurements with academic affiliates or covered entities as noted above for VHA, replaces outdated references and addresses additional information to align with GSA's LDG requirements.

Both templates can be found at [Office of Real Property - Office of Construction & Facilities Management \(va.gov\)](#) with macro-enabled versions available on the [CFM ORP Policy and Programs](#) and [Enterprise Lease Management Tool - CO\\_Resources](#) sharepoint sites. The templates will be incorporated into the upcoming revision of VA's Supplement to the LDG anticipated for release this fiscal year.

Further lease policy information and guidance on 38 U.S.C. § 8103(h) and the additional statutory changes as a result of the PACT Act will be scheduled for presentation within the coming weeks.

In the interim, please reach out to CFM ORP Policy and Programs at [VACO003C7APolicyandProgramsTeam@va.gov](mailto:VACO003C7APolicyandProgramsTeam@va.gov) for additional information or clarification.