

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 579

An Act to amend and reenact § 2.2-1303 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 2.2-1303.1, and to repeal § 2.2-1121 of the Code of Virginia, relating to the Department of Information Technology's power to procure information technology and telecommunications goods and services.

[H 519]

Approved April 6, 2002

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1303 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 2.2-1303.1 as follows:

§ 2.2-1303. Additional powers and duties relating to communications equipment and services and information technology equipment and services.

A. The Department shall have the following additional powers and duties concerning the planning, budgeting, acquiring, using and disposing of communications equipment and services:

1. Formulate specifications for telecommunications, automated data and word processing, and management information systems.

2. Analyze and approve all procurements of interconnective telecommunications facilities, telephones, automated data and word processing, and other communications equipment and goods.

3. Review and approve all agreements and contracts for communications services prior to execution between a state agency and another public or private agency.

4. Develop and administer a system to monitor and evaluate executed contracts and billing and collection systems.

5. Exempt from review requirements, but not from the state's competitive procurement process, any state agency that establishes, to the satisfaction of the Department, (i) its ability and willingness to administer efficiently and effectively the procurement of communications services or (ii) that it has been subjected to another review process coordinated through or approved by the Department.

B. The Department shall have the following powers and duties concerning the development, operation and management of communications services:

1. Manage and coordinate the various communications facilities, centers, and operations used by the Commonwealth.

2. Acquire, lease, or construct such facilities and equipment as necessary to deliver comprehensive communications services; and to maintain such facilities and equipment owned or leased.

3. Provide technical assistance to state agencies in such areas as: (i) designing management information systems; (ii) performing systems development services, including design, application programming, and maintenance; (iii) conducting research and sponsoring demonstration projects pertaining to all facets of telecommunications; (iv) effecting economies in telephone systems and equipment; (v) planning and forecasting for future needs in communications services; and (vi) management studies and surveys of organizational structure, management practices and systems and procedures.

4. Develop and implement information, billing and collections systems that will aid state agencies in forecasting their needs and managing their operations.

C. *Notwithstanding § 2.2-1110, telecommunications goods and services of every description may and information technology goods and services of every description shall be procured by (i) the Department for its own benefit or on behalf of other state agencies and institutions or (ii) such other agencies or institutions to the extent authorized by the Department. Procurements made in accordance with this subsection shall be made in accordance with the regulations specified in § 2.2-1111, unless the Department has adopted alternative regulations governing these procurements pursuant to the Administrative Process Act (§ 2.2-4000 et seq.).*

D. All statewide contracts and agreements made and entered into by the Department for the purchase of computers, software, supplies, and related peripheral equipment and services shall provide for the inclusion of counties, cities, and towns in such contracts and agreements. For good cause shown, the Secretary of Administration may disapprove the inclusion from a specific contract or agreement. Notwithstanding the provisions of § 2.2-4301, the Department may enter into multiple vendor contracts for the referenced hardware, software, and services.

~~D.~~ E. This section shall not be construed or applied so as to infringe upon, in any manner, the responsibilities for accounting systems assigned to the Comptroller under § 2.2-803.

§ 2.2-1303.1. Procurement of computer equipment to be based on performance-based specifications.

Should the Department, or any agency or institution authorized by the Department pursuant to

subsection C of § 2.2-1303, elect to procure personal computers and related peripheral equipment pursuant to any type of blanket purchasing arrangement under which public bodies, as defined in § 2.2-4301, may purchase such goods from any vendor following competitive procurement but without the conduct of an individual procurement by or for the using agency or institution, it shall establish, with the cooperation of the Department of General Services, performance-based specifications for the selection of equipment. Establishment of such contracts shall emphasize performance criteria including price, quality, and delivery without regard to "brand name." All vendors meeting the Commonwealth's performance requirements shall be afforded the opportunity to compete for such contracts.

2. That the provisions of this act shall not in any way amend or affect the Commonwealth's institutions of higher education as such institutions may be delegated the authority for the purchase of information technology facilities and services pursuant to the 2002-2004 appropriations act adopted by the General Assembly.

3. That § 2.2-1121 of the Code of Virginia is repealed.