

# VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

## CHAPTER 582

*An Act to amend and reenact § 2.2-1120 of the Code of Virginia, relating to the Department of General Services; Division of Purchases and Supply; purchases by private nonprofit institutions of higher education from certain state contracts.*

[S 664]

Approved April 5, 2006

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-1120 of the Code of Virginia is amended and reenacted as follows:**

§ 2.2-1120. Direct purchases by using agencies and certain charitable corporations and private nonprofit institutions of higher education.

A. The Division shall have the power, by general rule or special order, to permit purchases of any material, equipment, supplies, printing or nonprofessional services of every description to be made by any using agency directly, and not through the Division, whenever it appears to the satisfaction of the Division that by reason of the excess transportation costs, a lower price with equal quality can be obtained by the using agency, or for any other reason, which in the judgment of the Division warrants an exemption.

B. The Division shall allow corporations operating in Virginia and granted tax exempt status under § 501 (c) (3) of the Internal Revenue Code and operating as clinics for the indigent and uninsured that are organized for the delivery of primary health care services (i) as federally qualified health centers designated by the Health Care Financing Administration or (ii) at a reduced or sliding fee scale or without charge, to purchase directly from contracts established for state agencies and public bodies by the Division or, provided it is not prohibited by the terms of the procurement, through participation by the Division in other cooperative procurements.

C. The Division shall allow organizations that provide transportation services in Virginia and receive funding from the Federal Transit Administration or the Commonwealth Transportation Fund to purchase directly from contracts established for state agencies and public bodies by the Division. The Department of Rail and Public Transportation shall assist the Division in establishing and maintaining a list of organizations that shall be authorized to make purchases pursuant to this subsection.

D. *The Division shall allow private institutions of higher education chartered in Virginia and granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from contracts established for state agencies and public bodies by the Division.*

**2. That the Division shall seek the assistance of the Council of Independent Colleges in Virginia in establishing and maintaining a list of private educational institutions authorized to make purchases pursuant to the provisions of this act.**