

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-4304 of the Code of Virginia, relating to the Virginia Public*
3 *Procurement Act; revision of procurement procedures.*

4 [H 1310]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-4304 of the Code of Virginia is amended and reenacted as follows:**8 **§ 2.2-4304. Joint and cooperative procurement.**

9 A. Any public body may participate in, sponsor, conduct, or administer a joint procurement
10 agreement on behalf of or in conjunction with one or more other public bodies, or public agencies or
11 institutions or localities of the several states, of the United States or its territories, the District of
12 Columbia, the U.S. General Services Administration, or the Metropolitan Washington Council of
13 Governments, for the purpose of combining requirements to increase efficiency or reduce administrative
14 expenses in any acquisition of goods, services, or construction.

15 B. In addition, a public body may purchase from another public body's contract or from the contract
16 of the Metropolitan Washington Council of Governments or the Virginia Sheriffs' Association even if it
17 did not participate in the request for proposal or invitation to bid, if the request for proposal or
18 invitation to bid specified that the procurement was a cooperative procurement being conducted on
19 behalf of other public bodies, except for:

20 1. Contracts for architectural or engineering services; or

21 2. Construction. This subdivision shall not be construed to prohibit sole source or emergency
22 procurements awarded pursuant to subsections E and F of § 2.2-4303.

23 Subdivision 2 shall not apply to (i) the installation of artificial turf and track surfaces, (ii) stream
24 restoration, or (iii) stormwater management practices, including all associated and necessary construction
25 and maintenance.

26 In instances where any authority, department, agency, or institution of the Commonwealth desires to
27 purchase information technology and telecommunications goods and services from another public body's
28 contract and the procurement was conducted on behalf of other public bodies, such purchase shall be
29 permitted if approved by the Chief Information Officer of the Commonwealth. Any public body that
30 enters into a cooperative procurement agreement with a county, city, or town whose governing body has
31 adopted alternative policies and procedures pursuant to subdivisions A 9 and A 10 of § 2.2-4343 shall
32 comply with the alternative policies and procedures adopted by the governing body of such county, city,
33 or town.

34 C. Subject to the provisions of §§ 2.2-1110, 2.2-1111, 2.2-1120 and 2.2-2012, any authority,
35 department, agency, or institution of the Commonwealth may participate in, sponsor, conduct, or
36 administer a joint procurement arrangement in conjunction with public bodies, private health or
37 educational institutions or with public agencies or institutions of the several states, territories of the
38 United States, or the District of Columbia, for the purpose of combining requirements to effect cost
39 savings or reduce administrative expense in any acquisition of goods and services, other than
40 professional services, and construction.

41 A public body may purchase from any authority, department, agency or institution of the
42 Commonwealth's contract even if it did not participate in the request for proposal or invitation to bid, if
43 the request for proposal or invitation to bid specified that the procurement was a cooperative
44 procurement being conducted on behalf of other public bodies. In such instances, deviation from the
45 procurement procedures set forth in this chapter and the administrative policies and procedures
46 established to implement this chapter shall be permitted, if approved by the Director of the Division of
47 Purchases and Supply.

48 Pursuant to § 2.2-2012, such approval is not required if the procurement arrangement is for
49 telecommunications and information technology goods and services of every description. In instances
50 where the procurement arrangement is for telecommunications and information technology goods and
51 services, such arrangement shall be permitted if approved by the Chief Information Officer of the
52 Commonwealth. However, such acquisitions shall be procured competitively.

53 Nothing herein shall prohibit the payment by direct or indirect means of any administrative fee that
54 will allow for participation in any such arrangement.

55 D. As authorized by the United States Congress and consistent with applicable federal regulations,
56 and provided the terms of the contract permit such purchases:

ENROLLED

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57 1. Any authority, department, agency, or institution of the Commonwealth may purchase goods and
58 nonprofessional services, other than telecommunications and information technology, from a U.S.
59 General Services Administration contract or a contract awarded by any other agency of the U.S.
60 government, upon approval of the director of the Division of Purchases and Supply of the Department
61 of General Services;

62 2. Any authority, department, agency, or institution of the Commonwealth may purchase
63 telecommunications and information technology goods and nonprofessional services from a U.S. General
64 Services Administration contract or a contract awarded by any other agency of the U.S. government,
65 upon approval of the Chief Information Officer of the Commonwealth; ~~and~~

66 3. Any county, city, town, or school board may purchase goods and nonprofessional services from a
67 U.S. General Services Administration contract or a contract awarded by any other agency of the U.S.
68 government; *and*

69 4. *The Department of General Services and the Virginia Information Technologies Agency shall*
70 *review and revise their procurement procedures to encourage the use of U.S. General Services*
71 *Administration contracts or contracts awarded by any other agency of the United States government*
72 *where appropriate.*