

HOUSE BILL NO. 1310

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on _____)

(Patron Prior to Substitute--Delegate Shin)

A BILL to amend and reenact § 2.2-4304 of the Code of Virginia, relating to the Virginia Public Procurement Act; revision of procurement procedures.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4304 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4304. Joint and cooperative procurement.

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

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

- 1. Contracts for architectural or engineering services; or
- 2. Construction. This subdivision shall not be construed to prohibit sole source or emergency procurements awarded pursuant to subsections E and F of § 2.2-4303.

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

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

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

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

50 Pursuant to § 2.2-2012, such approval is not required if the procurement arrangement is for
51 telecommunications and information technology goods and services of every description. In instances

52 where the procurement arrangement is for telecommunications and information technology goods and
53 services, such arrangement shall be permitted if approved by the Chief Information Officer of the
54 Commonwealth. However, such acquisitions shall be procured competitively.

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

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

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

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

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

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

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