

1 SENATE BILL NO. 575

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the Senate Committee on General Laws and Technology

4 on _____)

5 (Patron Prior to Substitute—Senator Reeves)

6 *A BILL to amend and reenact § 2.2-4304 of the Code of Virginia, relating to Virginia Public Procurement*
7 *Act; joint and cooperative procurement; construction exception.*8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 2.2-4304 of the Code of Virginia is amended and reenacted as follows:**10 **§ 2.2-4304. Joint and cooperative procurement.**11 A. Any public body may participate in, sponsor, conduct, or administer a joint procurement agreement on
12 behalf of or in conjunction with one or more other public bodies, or public agencies or, institutions, or
13 localities of the several states, of the United States or its territories, the District of Columbia, the U.S. General
14 Services Administration, or the Metropolitan Washington Council of Governments, for the purpose of
15 combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods,
16 services, or construction.17 B. *1. In addition, a public body may purchase from another public body's contract or from the contract of*
18 *the Metropolitan Washington Council of Governments or the Virginia Sheriffs' Association, even if it did not*
19 *participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid*
20 *specified that the procurement was a cooperative procurement being conducted on behalf of other public*
21 *bodies, except for:*22 *1. a. Contracts for architectural or engineering services; or*23 *2. b. Construction. This subdivision shall not be construed to prohibit sole source or emergency*
24 *procurements awarded pursuant to subsections E and F of § 2.2-4303.*25 Subdivision *2 b* shall not apply to (i) the installation of artificial turf and track surfaces, (ii) stream
26 restoration, (iii) stormwater management practices, or (iv) the installation of playground equipment, including
27 all associated and necessary construction and maintenance.28 *Subdivision 1 shall not apply to intergovernmental support agreements entered into pursuant to 10 U.S.C.*29 *§ 2679.*30 2. In instances where any authority, department, agency, or institution of the Commonwealth desires to
31 purchase information technology and telecommunications goods and services from another public body's
32 contract and the procurement was conducted on behalf of other public bodies, such purchase shall be

33 permitted if approved by the Chief Information Officer of the Commonwealth. Any public body that enters
34 into a cooperative procurement agreement with a county, city, or town whose governing body has adopted
35 alternative policies and procedures pursuant to subdivisions A 9 and A 10 of § 2.2-4343 shall comply with
36 the alternative policies and procedures adopted by the governing body of such county, city, or town.

37 C. Subject to the provisions of §§ 2.2-1110, 2.2-1111, 2.2-1120 and 2.2-2012, any authority, department,
38 agency, or institution of the Commonwealth may participate in, sponsor, conduct, or administer a joint
39 procurement arrangement in conjunction with public bodies, private health or educational institutions, or ~~with~~
40 public agencies or institutions of the several states, territories of the United States, or the District of
41 Columbia; for the purpose of combining requirements to effect cost savings or reduce administrative expense
42 in any acquisition of goods and services, other than professional services, 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 the
45 request for proposal or invitation to bid specified that the procurement was a cooperative procurement being
46 conducted on behalf of other public bodies. In such instances, deviation from the procurement procedures set
47 forth in this chapter and the administrative policies and procedures established to implement this chapter shall
48 be permitted, if approved by the Director of the Division of Purchases and Supply.

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

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

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

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

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

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