

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [S 326]

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

15 B. In addition, a public body may purchase from another public body's contract or from the contract of the  
 16 Metropolitan Washington Council of Governments or the Virginia Sheriffs' Association even if it did not  
 17 participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid  
 18 specified that the procurement was a cooperative procurement being conducted on behalf of other public  
 19 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, (iii) stormwater management practices, ~~or~~ (iv) the installation of playground equipment, including  
 25 all associated and necessary construction and maintenance, *or (v) roofing maintenance, repair, restoration,*  
 26 *and component replacement of existing facilities that do not involve modification to the structure.*

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

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

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

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

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

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

55 1. Any authority, department, agency, or institution of the Commonwealth may purchase goods and  
 56 nonprofessional services, other than telecommunications and information technology, from a U.S. General

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57 Services Administration contract or a contract awarded by any other agency of the U.S. government, upon  
58 approval of the director of the Division of Purchases and Supply of the Department of General Services;

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

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

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