

Cooperative Procurement - Discussion Draft

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact § 2.2-4304 of the Code of Virginia, relating to the Virginia Public
2 Procurement Act; limitation on cooperative procurement.

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

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

5 **§ 2.2-4304. Cooperative procurement.**

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

12 A public body may purchase from another public body's contract even if it did not participate in
13 the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that
14 the procurement was being conducted on behalf of other public bodies, except for:

- 15 1. Contracts for architectural or engineering services; or
- 16 2. Construction ~~in excess of \$200,000 by a local public body from the contract of another local~~
17 ~~public body that is more than a straight line distance of 75 miles from the territorial limits of the local~~
18 ~~public body procuring the construction. The installation of artificial turf or other athletic surfaces shall~~
19 ~~not be subject to the limitations prescribed in this subdivision. Nothing in this subdivision shall be~~
20 ~~construed to prohibit sole source or emergency procurements awarded pursuant to subsections E and F~~
21 ~~of § 2.2-4303.~~

22 In instances where any authority, department, agency, or institution of the Commonwealth
23 desires to purchase information technology and telecommunications goods and services from another
24 public body's contract and the procurement was conducted on behalf of other public bodies, such
25 purchase shall be permitted if approved by the Chief Information Officer of the Commonwealth. Any

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26 public body that enters into a cooperative procurement agreement with a county, city, or town whose
27 governing body has adopted alternative policies and procedures pursuant to subdivisions A 9 and A 10
28 of § 2.2-4343 shall comply with the alternative policies and procedures adopted by the governing body
29 of such county, city, or town.

30 B. Subject to the provisions of §§ 2.2-1110, 2.2-1111, 2.2-1120 and 2.2-2012, any authority,
31 department, agency, or institution of the Commonwealth may participate in, sponsor, conduct, or
32 administer a cooperative procurement arrangement on behalf of or in conjunction with public bodies,
33 private health or educational institutions or with public agencies or institutions of the several states,
34 territories of the United States, or the District of Columbia, for the purpose of combining requirements
35 to effect cost savings or reduce administrative expense in any acquisition of goods and services, other
36 than professional services. A public body may purchase from any authority, department, agency or
37 institution of the Commonwealth's contract even if it did not participate in the request for proposal or
38 invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being
39 conducted on behalf of other public bodies. In such instances, deviation from the procurement
40 procedures set forth in this chapter and the administrative policies and procedures established to
41 implement this chapter shall be permitted, if approved by the Director of the Division of Purchases and
42 Supply.

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

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

50 C. As authorized by the United States Congress and consistent with applicable federal
51 regulations, and provided the terms of the contract permit such purchases:

