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**I. Purpose.**

This document covers the Virginia IT Agency (VITA) procurement policies and procedures for sponsoring and using jointly and cooperatively procured contracts to purchase IT goods and services. All public bodies, as defined by §2.2-4301 of the Code of Virginia are subject to these policies and procedures, except those agencies and institutions explicitly exempted by the *Code of Virginia*.

**Policies- What you need to do**

**II. General Information.**

§2.2-4304 The *Code of Virginia* authorizes public bodies to sponsor, conduct or administer a joint procurement agreement with other public bodies for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of IT goods and services. . Jointly and cooperatively procured contracts are to be used to procure IT goods and services only if the original solicitation and resulting contract contain language that the joint and cooperative procurement was being conducted on behalf of other public bodies.

### **III. Conducting an IT Joint and Cooperative Procurement.**

Public bodies do not have authority to sponsor, conduct or administer a joint and cooperative procurement arrangement for IT goods or services for any amount unless such authority is delegated by VITA and such procurement arrangement is approved in advance by the Chief Information Officer (CIO) of the Commonwealth.

### **IV. Purchasing from IT Joint and Cooperative Procurements.**

Joint and cooperative procurement agreements, including GSA contracts or other United States government contracts, may be used, when appropriate, to increase cost savings or expedite the acquisition of IT goods and services. Purchasing from joint and cooperatively procured contracts is only permitted if the terms of that contract allow for such purchases. Purchasing from joint and cooperatively procured contracts is not permitted for IT goods and services available on an existing VITA statewide contract or available through a DSBSD-certified small business, including certified small businesses owned by women, minorities, and service-disabled veterans, if the procurement is below \$100,000. The use of joint and cooperatively procured contracts is not permitted for IT goods and services available through a DSBSD-certified micro- business, if the procurement is below \$10,000. Joint and Cooperative procurement agreements typically should not be used for software purchases or ongoing service level agreements.

(GSA Contracts only)- Where appropriate, GSA contracts or contracts awarded by any other agency of the United States government may be reviewed for a joint or cooperative procurement. To participate in the GSA contract, competition is required, and the contractor must agree to all of VITA's statutorily mandated terms and conditions. When an agency purchases from a Multiple Award Schedule the terms and conditions of the underlying GSA contract are incorporated by reference in the state's contract with the GSA supplier. Agencies may add terms and conditions to the GSA contracts., to the extent that they do not conflict with GSA Schedule 70 terms and conditions; however, if a required state term and condition conflicts with a GSA term, then an agency cannot purchase from that GSA supplier. The CIO or his designee must approve in writing and in advance of the procurement all procurements from GSA contracts for IT goods and services.

### **V. Joint and Cooperative Procurements Resulting in High-Risk Contracts**

Any IT contract with a cost in excess of \$5 million over the initial term of the contract where the IT goods and/or services that is the subject of the contract is being procured by two or more state public bodies is a "high risk contract" pursuant to Section [2.2-4303.01](#) of the *Code of Virginia*. § 2.2-4303.01 (A) defines "high risk contracts" and provides review and evaluation criteria for all solicitations and contracts which may result in a high-risk contract.

If a public body is conducting a VITA-delegated IT procurement with another state public body and the solicitation is anticipated to result in a high-risk contract, VITA and the Office of the Attorney General must review the solicitation before it can be issued. Such a review will be conducted within 30 business days to determine the contract's compliance with state law and policy, as well as the legality and appropriateness of the contract terms and conditions.

Prior to the award of a high-risk contract, VITA and the Office of the Attorney General must complete a review of the contract within 30 business days to determine the contract's

compliance with state law and policy, as well as the legality and appropriateness of the contract terms and conditions.

The review will also ensure the inclusion of distinct and measurable performance metrics and clear enforcement provisions in all high-risk solicitations and contracts, as well as clearly outlined enforcement provisions, including remedies, to be used in the event that contract performance metrics are not met.

Agencies are required to contact VITA's SCM division at: [scminfo@vita.virginia.gov](mailto:scminfo@vita.virginia.gov) to conduct high risk contract evaluation.

**VI. CIO Approval.**

Regardless of amount, all joint and cooperative procurements and procurement arrangements for IT goods and services shall be approved under the authority of the CIO pursuant to [§ 2.2-4304](#) of the *Code of Virginia*.

**VII. Enterprise Cloud Oversight Services (ECOS) process.**

Regardless of the amount, if the Joint and Cooperative Procurement involves an off-premise (cloud hosted) solution, agencies must follow the [ECOS Process](#) and [Third Party Policy Workflow](#). A Security Assessment of the cloud service will need to be completed by the supplier and approved by ECOS, via a work request 1-003, and special Cloud Services Terms & Conditions must be included in the contract prior to award.

**Procedure- How you implement the policies**

**VIII. Joint and Cooperative Procurement Requests.**

[Public bodies as defined by §2.2-4301](#) of the *Code of Virginia*, must utilize the following approval process to request use of other joint and cooperative procurement agreements:

1. Forward a completed IT Joint and Cooperative Procurement Approval Request form to VITA's Supply Chain Management (SCM) at [scminfo@vita.virginia.gov](mailto:scminfo@vita.virginia.gov). This form is located on the web at: <https://www.vita.virginia.gov/procurement/policies-procedures/procurement-policies/>.
2. After CIO approval is obtained, agencies, as defined by [§ 2.2-2006](#) of the *Code of Virginia*, may proceed with the purchase utilizing [eVA](#).

Authority Reference(s)

[§2.2-4301](#) of the Code of Virginia; Defines “public bodies.”

[§ 2.2-2012](#) of the *Code of Virginia*; Defines the CIO’s authority to approve or disapprove, all executive branch agency procurements of information technology.

[§ 2.2-4303.01](#) of the *Code of Virginia*; Defines high-risk contracts and provides review and evaluation criteria for high-risk solicitations and resulting contracts.

[§ 2.2-4304](#) of the *Code of Virginia*; Outlines the joint and cooperative procurement process and requisite approvals needed.

[Executive Order 35 \(2019\)](#) – Advancing Equity for Small-, Women-, Minority-, and Service Disabled Veteran-Owned Businesses in State Contracting.