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I. Purpose

The policies contained in this document clarify the Virginia Information Technologies Agency's ("VITA") statutorily-mandated responsibility for the procurement of information technology ("IT") as provided in § [2.2-2012](#) of the *Code of Virginia*. These policies identify situations where Chief Information Officer (CIO) approval is required, specify when VITA may delegate its procurement authority, and outline the policies agencies should follow when purchasing IT under delegated authority from VITA. These policies apply to agencies as defined by § [2.2-2006](#) and used herein as "agency/agencies".

II. Definition

A procurement transaction, as described in the *Virginia Public Procurement Act* (VPPA), § [2.2-4300 et seq.](#) of the *Code of Virginia*, includes all functions related to obtaining goods or services, such as description of requirements, solicitation and selection of sources, preparation of contract, contract signature, purchase order, and all phases of contract administration and management.

III. VITA's Purchasing Authority

Pursuant to § [2.2-2012\(B\)\(1\)](#) of the *Code of Virginia* "Information technology shall be procured by (i) VITA for its own benefit or on behalf of other executive branch agencies or (ii) such other agencies to the extent authorized by VITA."

All agencies can request VITA's assistance with IT procurements and all public bodies shall utilize statewide contracts developed by VITA.

All IT procurements conducted under VITA's authority are pursuant to the laws of the Commonwealth of Virginia and applicable policy or regulation.

All IT procured by any agency pursuant to *Public Private Facilities and Infrastructure Act* (PPEA) or *Public-Private Transportation Act* (PPTA) efforts are subject to VITA's IT procurement authority.

IV. Delegation

At its discretion, VITA may grant, in writing, procurement authority to purchase a specific IT good or service (including an application) to a requesting agency or institution. All delegated procurements are subject to the Code of Virginia, the VPPA, and VITA policies.

V. Delegation Guidelines

Use of VITA's statewide contracts is mandatory for the acquisition of all IT goods and services. If there is not a VITA statewide contract available for the needed IT good or service, a procurement will be conducted. To browse VITA's statewide contracts please visit:

<https://vita.cobblestonesystems.com/public/>

- All agencies have \$0 delegated authority for Cloud Services (Software as a Service ("SaaS"), Platform as a Service ("PaaS"), Infrastructure as a Service ("IaaS") and anything as a service or ("XaaS").
- Except for Cloud Services, all agencies in-scope to VITA services have \$250,000 delegated authority for IT that is not provided as a VITA service (e.g. agency specific applications, specialized infrastructure).
- Agencies that are required to use VITA services should submit a Service Request for a standard service or item that exists in the VITA Service Catalog. Any infrastructure items not available from the Service Catalog are subject to VITA's \$250,000 procurement delegation limit and should be ordered through eVA.
- Procurements between \$200,000-\$250,000 must be competed using competitive sealed bidding or competitive negotiation
- Except for Cloud Services, Agencies that are not in scope to VITA services have \$250,000 delegated authority for IT.
- Procurement requests and orders shall not be split to circumvent delegation limits.
- Any IT procurement for Cloud Services or exceeding \$250,000 will require a V Code in the PO Category field in [eVA](#) to route the request to VITA for review to ensure a proper procurement. An agency must request delegation by submitting a request with justification to SCMinfo@vita.virginia.gov.
- All acquisitions that may or will include hosting provided by a third party service provider (off premise hosting) are considered "Cloud Services" and must be submitted to VITA's Enterprise Cloud Oversight Services (ECOS) for review. These acquisitions will be subject to security-related assessment and oversight processes that must be fulfilled by the agency and suppliers. Supply Chain Management will participate in the review to determine the potential for delegation to the agency as well as appropriate terms and conditions.
- Notwithstanding compliance requirements for VITA Commonwealth Cybersecurity, Security and Risk Management policies, standards and guidelines, as mandated by § [2.2-2009](#) of the *Code of Virginia*, any contract for information technology entered into by the Commonwealth's executive, legislative, and judicial branches and independent agencies require compliance with applicable federal laws and regulations pertaining to information security and privacy.

VI. Procurements Requiring CIO Approval

In accordance with § [2.2-2012](#), "The CIO shall review, and approve or disapprove, all executive branch agency procurements of information technology, including approval of all agreements and contracts prior to the execution of the procurement. The CIO may exempt from review requirements, but not from the Commonwealth's competitive procurement process, any executive branch agency that establishes, to the satisfaction of the CIO (i) its ability and willingness to administer efficiently and effectively the procurement of information technology or (ii) that it has been subjected to another review process coordinated through or approved by the CIO." In addition, CIO approval is required prior to purchasing IT goods or services in the following instances that include, but is not limited to:

- Procurements using a joint and cooperative agreement (including GSA), regardless of amount. These procurements must be approved by VITA before going to the Supplier.
- Procurements through an online or public auction, regardless of amount.
- Sole source procurements greater than \$250,000.
- Any major information technology project as defined by § [2.2-2006](#) of the Code of Virginia.
- All joint and cooperative procurement arrangements for the establishment of an IT joint and/or cooperative contract, regardless of amount.

VII. Authority References

[§ 2.2-2006](#) of the *Code of Virginia*; Includes definitions for “agency”, “information technology,” “major information technology project,” and “telecommunications.”

[§ 2.2-2007](#) of the *Code of Virginia*; Powers of the CIO.

[§ 2.2-2009](#) of the *Code of Virginia*; Additional duties of the CIO relating to security of government information.

[§ 2.2-2011](#) of the *Code of Virginia*; Additional powers and duties relating to development, management, and operation of information technology.

[§ 2.2-2012](#) of the *Code of Virginia*; Addresses procurement of information technology.

[§ 2.2-2016.1](#) of the *Code of Virginia*; Addresses additional duties of the CIO relating to project management.

[§ 2.2-2020](#) of the *Code of Virginia*; Procurement approval for information technology projects.

[§ 2.2-4300 et seq.](#) of the *Code of Virginia*; Virginia Public Procurement Act.

[§ 56-575.16](#) of the *Code of Virginia*. Outlines the *Public-Private Education Facilities and Infrastructure Act* (PPEA).

State of Virginia Appropriations Act.