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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) and telecommunications goods and services, identify situations where Chief Information Officer (CIO) approval is required, specify when VITA may delegate its procurement authority, and outline the policies agencies and institutions should follow when purchasing IT goods and services under delegated authority from VITA. These policies apply to all executive branch agencies and institutions of higher education, except those explicitly exempted by the *Code of Virginia* or the *Appropriations Act*. This policy does not address the acquisition of services provided by VITA's infrastructure partner.
- II. **Definition.** A procurement transaction, as described in the *Virginia Public Procurement Act* (VPPA), includes all functions related to obtaining goods or services, such as description of requirements, solicitation and selection of sources, preparation of contract, contract signature, and all phases of contract administration and management
- III. **VITA's Purchasing Authority.** VITA has sole statutory authority to procure all IT and telecommunications goods and services (including agency-specific applications) for executive branch agencies and institutions, except those explicitly exempted by the *Code of Virginia* or *the Appropriations Act*.

If an institution of higher education has an approved Management Agreement for Institutional Performance with the Commonwealth of Virginia, they are not subject to VITA's procurement guidelines. They are, however, required to utilize VITA's telecommunications contracts for the purchase of telecommunications goods and services.

All agencies can request VITA's assistance with IT procurements and all public bodies can utilize statewide contracts developed by VITA, if such use is provided for in the solicitation or contract.

All IT procurements conducted by VITA are pursuant to the laws of the Commonwealth of Virginia and applicable policy or regulation.

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

IV. **Delegation.** At its discretion, VITA may grant, in writing, procurement authority to purchase a specific IT or telecommunications good or service (including an application) to a requesting agency or institution. All delegated procurements are subject to the *Virginia Public Procurement Act*.

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:
<http://www.vita.virginia.gov/procurement/contracts.cfm>
- All agencies and institutions have \$100,000 delegated authority for IT goods and services that are out of scope to VITA. For a list of in scope and out of scope goods and services:
http://www.vita.virginia.gov/uploadedFiles/SCM/IT_Goods_Services_revised0511.pdf
- Delegated authority for goods and services that are in scope to VITA varies as follows:
 - Agencies and non-exempt institutions of higher education that are not in scope to VITA services have \$100,000 delegated authority.
 - Agencies that are in scope to VITA services have \$0 delegated authority.
- Procurement requests and orders shall not be split to circumvent delegation limits.
- IT procurement requests exceeding delegated authority will require a V Code in the PO Category field in eVA to route the request to VITA to ensure a proper procurement.

VI. **Procurements Requiring CIO Approval.** CIO approval is required prior to purchasing IT goods or services in the following instances:

- Procurement using a cooperative agreement (including GSA), regardless of amount.
- Procurement through an online or public auction, regardless of amount.
- Sole source procurements greater than \$100,000.
- Any procurement with a total estimated cost over \$1 million, and contracts or amendments thereto.

VII. **Authority References.**

§2.2-2006 of the *Code of Virginia*; Includes definitions for "information technology," "major information technology project," "telecommunications" and "state agency."

§2.2-2007 of the *Code of Virginia*; Powers of the CIO.

§ 2.2-2008 of the *Code of Virginia*; Addresses additional duties of the CIO relating to project management.

§2.2-2012 of the *Code of Virginia*; Addresses procurement of information technology and telecommunications goods and services

§2.2-2020 of the *Code of Virginia*; Procurement approval for major 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)

Appropriations Act