



Chapter highlights

- **Purpose:** This chapter outlines VITA's statutory procurement authority for information technology (IT) and telecommunications goods and services as well as VITA's responsibility to establish IT and telecommunications procurement policies, standards and guidelines.
- **Key points:**
 - VITA has IT procurement authority for all executive branch agencies and institutions of higher education that are not specifically exempted from VITA's authority.
 - VITA has statutory governance/oversight responsibilities for certain Commonwealth IT projects and procurements.
 - Only VITA can establish statewide IT contracts.
 - Judicial, legislative branch and independent agencies are not subject to VITA's procurement authority.

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1.0 Introduction

The Commonwealth's Information Technology Procurement Manual (ITPM) is published by the Virginia Information Technologies Agency (VITA) under the authority of [§ 2.2-2012](#) of the *Code of Virginia*. The manual complies with [§2.2-2012\(A\)](#) which provides as follows: "A. The CIO shall develop policies, standards, and guidelines for the procurement of information technology of every description." The Commonwealth's Chief Information Officer (CIO), appointed by the Governor, has assigned VITA's Supply Chain Management Division (SCM) with this duty.

Based on the foregoing, this manual establishes policies, standards and guidelines to be followed by every executive branch agency as defined in [§ 2.2-2006](#) of the *Code of Virginia*, within their delegated authority limits or such delegated authority as determined by VITA.

For the purposes of this manual, the following definitions taken from the *Code of Virginia* apply:

"Executive branch agency" or "agency" means any agency, institution, board, bureau, commission, council, public institution of higher education, or instrumentality of state government in the executive department listed in the appropriation act. However, "executive branch agency" or "agency" does not include the University of Virginia Medical Center, a public institution of higher education to the extent exempt from this chapter pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ [23.1-1000](#) et seq.) or other law, or the Virginia Port Authority.

"Public body" means any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty, and empowered by law to undertake the activities described in this chapter. "Public body" shall include (i) any independent agency of the Commonwealth, and (ii) any metropolitan planning organization or planning district commission which operates exclusively within the Commonwealth of Virginia."

"Information technology" means communications, telecommunications, automated data processing, applications, databases, data networks, the Internet, management information systems, and related information, equipment, goods, and services. The provisions of this chapter shall not be construed to hamper the pursuit of the missions of the institutions in instruction and research."

"Telecommunications" means any origination, transmission, emission, or reception of data, signs, signals, writings, images, and sounds or intelligence of any nature, by wire, radio, television, optical, or other electromagnetic systems.

All VITA procurement policies and procedures contained within this manual comply fully with [§ 2.2-4300](#) *et seq.* of the *Code of Virginia*, (The Virginia Public Procurement Act) (VPPA). Throughout this manual, appropriate references are made to those procurement requirements specifically required by the *Code of Virginia* and the VPPA.

The General Assembly established VITA as the statutory central procurement agency for IT to accomplish the following objectives:

- Enable the Commonwealth to consolidate and leverage its purchasing power for technology products and services;
- Embrace and implement innovative solutions and tools to meet the Commonwealth's technology and business needs;
- Emphasize customer and supplier involvement;
- Increase the use and usefulness of statewide technology contracts by the Commonwealth's organizational entities;
- Develop best practice procurement methodologies and processes for effective and timely IT procurements;
- Reduce the risk to the Commonwealth from the dynamic changes in IT markets;
- Plan, develop and solicit contracts for major information technology projects and enterprise applications and infrastructure services;
- Monitor trends and advances in information technology;

In addition to complying with statutory requirements, the policies, standards and guidelines included in this manual are based on generally accepted government and industry best practices for the procurement of IT.

**VITA is the Commonwealth's statutory central procurement agency
for IT goods and services.**

The objective of this manual is to integrate the Virginia Public Procurement Act (VPPA) with VITA's procurement policies, standards and guidelines and the IT industry's best practice concepts, guidance and tools for these purposes:

- to empower Commonwealth procurement professionals in IT acquisition, contractual risk mitigation and project complexities
- to promote a consistent IT procurement approach across the Commonwealth
- to encourage Commonwealth procurement professionals who participate in IT acquisitions to adopt VITA's key operating principles for IT procurement

VITA's key operating principles for IT procurement

- Invite, promote and sustain positive customer and supplier relationships;
- Strive for *solution-* not *product-* oriented procurements;
- Develop business driven and managed acquisitions;
- Think “enterprise-wise” to effectively leverage the Commonwealth’s buying power;
- Negotiate *performance-based* contract vehicles that are fair and effective;
- Make best-value award decisions based on total cost of ownership throughout the technology life-cycle;
- Invite and promote participation and relationships with DSBSD certified small, women-owned, minority-owned, service-disabled veteran-owned (SWaM) businesses, or micro businesses;
- Take advantage of suppliers’ expert IT knowledge to drive creative solutions and innovation;
- Use procurement processes and contract vehicles to cultivate a common enterprise architecture;
- Maintain and honor the integrity of the Commonwealth and the public procurement profession in every procurement;
- Do all of the above while building and protecting public trust in accordance with the principles exemplified in the VPPA ([§ 2.2-4300](#) (B) and (C) of the *Code of Virginia*).

1.1 VITA's statutory IT procurement authority and responsibility

Pursuant to [§ 2.2-2012](#) of the *Code of Virginia*, VITA has sole authority to procure all IT for executive branch agencies and institutions of higher education except those explicitly exempted by the *Code of Virginia* or those institutions of higher education which have signed management agreements with the Commonwealth. Under its statutory authority, VITA may enter into multiple vendor contracts for IT goods and services. All procurements conducted by VITA are pursuant to the VPPA and any VITA-promulgated applicable procurement policies and guidelines.

Judicial, legislative branch and independent agencies are not subject to VITA's procurement authority. All agencies, institutions, localities and public bodies may utilize any statewide IT contracts developed by VITA or request VITA's assistance with IT procurement services.

1.2 In-scope to VITA's procurement authority

VITA provides IT infrastructure services, including state network management, server and operational functions for executive branch agencies. VITA is also responsible for the procurement of all IT for all executive branch agencies (excluding those institutions of higher education which have signed management agreements with the Commonwealth.).

Visit this VITA SCM webpage for further information:

<https://www.vita.virginia.gov/scm/default.aspx?id=85>

1.3 Delegated IT procurement authority for executive branch agencies and institutions

Executive branch agencies do not have the authority to procure IT on their own behalf over \$100,000, unless such authority is explicitly delegated to them by VITA. When an agency is given delegated authority from VITA for any IT procurement the agency is required to follow

the VPPA and VITA's procurement policies, standards and guidelines in conducting the procurement.

If an agency intentionally fails to follow VITA's procurement policies and guidelines when conducting a delegated procurement, Sections H and I of [§2.2-2012](#) of the *Code of Virginia* may apply:

H. The Comptroller shall not issue any warrant upon any voucher issued by a state agency covering the purchase of any information technology when such purchases are made in violation of any provision of this chapter or the Virginia Public Procurement Act (§ [2.2-4300](#) et seq.).

I. Intentional violations of centralized purchasing requirements for information technology pursuant to this chapter by an executive branch agency, continued after notice from the Governor to desist, shall constitute malfeasance in office and shall subject the officer responsible for the violation to suspension or removal from office, as may be provided in law in other cases of malfeasance.

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 competitive procurement will be conducted. To browse VITA's statewide contracts go to:

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

Agencies have varying delegated authority for IT goods and services depending on if they are *out of scope* or in scope to VITA. These delegation thresholds are provided in the Authority and Delegation policy found at this webpage location:

https://www.vita.virginia.gov/uploadedfiles/VITA_Main_Public/SCM/authority_delegation.pdf

IT procurement requests and orders shall not be split to circumvent delegation limits.

For a list of in- scope and out of scope IT goods and services go to:

<https://www.vita.virginia.gov/scm/default.aspx?id=85>. Once at this site, select "VITA's IT Goods and Services List (Infrastructure/Non-Infrastructure)." In-scope goods and services are those identified in the above list by a "Y" in the "In- Scope to VITA" column. Items with an "N" in the column are defined as "Out of Scope to VITA". 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.

1.4 Process for requesting an exception to a VITA's IT procurement policy or procedure

If an agency head determines that compliance with a provision of any procurement policy, standard or guideline contained in this manual would result in a significant adverse impact or hardship to the agency, the agency head shall request approval to deviate from the procurement requirement by submitting an exception request to the CIO in writing.

Included in such request shall be a statement detailing the reasons for the exception needed, the significant adverse impact or hardship the agency would experience if VITA's procurement policy or procedure was followed and how the agency intends to procure the needed IT good or service. All exception requests shall be evaluated and decided upon by the CIO and the requesting agency shall be informed of the decision and action taken.

1.5 Procurements subject to VITA'S procurement authority

1.5.1 Public-Private Education Facilities and Infrastructure Act (PPEA)

All IT goods and services procured by an executive branch agency for the benefit of the Commonwealth pursuant to any PPEA effort are also subject to VITA's procurement authority in accordance with [§ 2.2-2007](#) and [§2.2-2012](#) of the *Code of Virginia*. Further detail is provided in Chapter 10 of this manual, General IT Procurement Policies.

1.5.2 Purchase of personal computers

[§ 2.2-2012\(D\)](#) of the *Code of Virginia* states that if VITA, or any agency authorized by VITA, elects to procure personal computers and related peripheral equipment under a blanket purchasing arrangement, which public bodies as defined in [§ 2.2-4301](#) may use, such goods may be purchased following competitive procurement, but without the conduct of an individual procurement by or for the using agency. Such procurement shall establish performance-based specifications emphasizing performance criteria including price, quality, and delivery without regard to "brand name." All vendors meeting the Commonwealth's performance requirements shall be afforded the opportunity to compete for such contracts.

[§ 2.2-2012\(D\)](#) of the *Code of Virginia* provides that VITA may establish contracts for the purchase of personal computers and related devices by licensed teachers employed in a full-time teaching capacity in Virginia public schools or in state educational facilities for use outside the classroom. The computers and related devices shall not be purchased with public funds, but shall be paid for and owned by teachers individually provided that no more than one such computer and related device per year shall be so purchased. VITA has developed processes for ordering and tracking the purchase of personal computers and related devices by public school teachers. VITA will provide assistance with the resolution of customer (teacher) complaints and contract issues. VITA will negotiate modifications to existing PC contracts, if necessary, or establish new PC contracts as needed to provide for the use of PC contracts by licensed public school teachers. Further information can be found at this website location: <https://www.vita.virginia.gov/scm/> and then select "Teacher PC Purchase Program."

1.5.3 Acquisition of Information technology including telecommunications goods and services

The provisions of this chapter shall not be construed to hamper the pursuit of the missions of the institutions in instruction and research. Acquisition of computer or telecommunications equipment or services means the purchase, lease, rental, or acquisition in any other manner of any such computer or telecommunications equipment or services. Please visit VITA's website for additional, helpful information about placing orders for IT goods and services: <https://www.vita.virginia.gov/scm/default.aspx?id=85>. Below is a list of VITA's statutory offerings:

- Telecommunications goods and services: Refer to: <https://www.vita.virginia.gov/services/>
- Internet and application service providers: Refer to: <https://www.vita.virginia.gov/services/>
- Printers/copiers: Procurement authority is delegated to executive branch agencies for printers which are not networked or shared and whose purchase price is up to \$100,000 per order. This means that agencies should order these and other consumables directly through [eVA](#), utilizing an "R" code. Support is not available from the VITA/NG Partnership for printers ordered under this delegation. Manufacturer's warranty applies. For printers/copiers available through VITA, go to:

<https://www.vita.virginia.gov/scm/default.aspx?id=85>. Once at this site, select "VITA's IT Goods and Service List (Infrastructure/Non-Infrastructure)." All network attached printers and multifunction printers are under VITA's authority and should be requested utilizing the VR1 code. A list of choices is provided on the VITA Web site. New printers will have a recurring monthly charge to cover service, support, network access and refresh of the devices. VITA will provide pricing via [eVA](#) for the applicable monthly charge.

- Document imaging and management: Equipment and services for analog methods of data imaging and retrieval, such as microfilm, are not within VITA's procurement authority.
- IT management and IT consulting contracts: Pursuant to the procurement authority granted to VITA in [§ 2.2-2012](#) of the *Code of Virginia* to enter into information technology service contracts, VITA has entered a statewide contract for IT consulting and staff augmentation services. Go to: <https://www.vita.virginia.gov/scm/>. Once at this site, select "IT Contingent Labor" to obtain more information.
- Miscellaneous: Other IT procurements that are within VITA's procurement authority include:
 - Geographic Information Systems services (GIS) systems and equipment;
 - IT goods and services that support public broadcasting, radio/TV broadcast equipment (i.e. one-way transmission)
 - IT-based badging systems
 - 2-way satellite equipment
 - Equipment needed to create, edit, and/or broadcast audio/video programming
 - Digital x-ray equipment
 - Online research or educational material (standard "off the shelf" delivery of static information without customized or interactive functionality) such as:
 - electronic magazines; electronic databases—Lexis/Nexis, Westlaw, Solinet;
 - and electronic textbooks or reference materials

1.6 Procurements not subject to VITA's procurement authority

Equipment, software or services for a specialized application whose primary function or purpose is other than IT and for which any IT functionality or component is secondary or incidental to the equipment's primary function may be outside the purview of VITA's procurement authority. Go to: <https://www.vita.virginia.gov/scm/default.aspx?id=85>. Once at this site, select "VITA's IT Goods and Service List (Infrastructure/Non-Infrastructure)." Such procurements are delegated to agencies and do not need to be processed through VITA—only through the Commonwealth's electronic procurement system at: <https://www.eva.virginia.gov/>.

1.7 Authority to contract for IT goods and services

1.7.1 CIO's Authority to bind Commonwealth to an IT contract with other public bodies or states, PPEA contracts and IT services contracts

Pursuant to [§2.2-2007](#)(B)(9) of the Code of Virginia, The CIO has "the authority to enter into and amend contracts, including contracts with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, or the District of Columbia, for the provision of information technology services."

Under [§2.2-2007\(C\)](#), the CIO may “may enter into public-private partnership contracts to finance or implement information technology programs and projects.”

1.7.2 Authority to bind VITA to an IT contract

Only the CIO has statutory authority to bind VITA to a contract or to contract for the payment of VITA funds to any entity. The CIO may delegate contract signature authority to specific named positions or individuals. (See [§ 2.2-604.](#)) Only those specific named individuals with designated signature authority from the CIO may bind VITA to a contract or any variation thereof.

1.8 CIO approval required for certain IT procurements via the Procurement Governance Review (PGR) process

In accordance with *The Code of Virginia*, the Commonwealth CIO reviews and approves proposed IT investments (IT projects and IT procurements) with a value of \$250,000.00 and over, requests for proposals (RFPs), Invitations for bid (IFBs) and contracts for IT projects. Agency IT project procurements are reviewed and approved for those projects and procurements that are \$1 million dollars or more in cost. Additionally, the CIO, via the Division of Project Management, requires that all contracts be reviewed by the Office of the Attorney General prior to submission to VITA PMD for the CIO’s review and approval.

1.8.1 CIO approval and oversight required for certain IT projects The Commonwealth CIO shall review certain projects and recommend whether they be approved or disapproved, or require VITA oversight (see [§2.2-2017](#) of the Code of Virginia.) The CIO will disapprove any procurement that does not conform to the Commonwealth strategic plan for information technology developed and approved pursuant to [§2.2-2007](#) or to the individual IT strategic plans (ITSPs) of agencies or public institutions of higher education.

IT investments by agencies must be added to their respective ITSP by requesting Investment Business Case (IBC) approval and Procurement Business Alignment (PBA) approval by the CIO, coordinated by the IT Investment Management (ITIM) group.

After receiving PBA approval, the agency must request CIO approval to begin the procurement process (procurement execution) via the Procurement Governance Review (PGR) process. VITA staff will review to ensure that the procurement conforms to the agency’s Information Technology Strategic Plan (ITSP) the statewide IT strategic plan and compliance with required Commonwealth Policies, Standards and Guidelines (PSGs) and certain IT and VITA related statutory laws. The VITA divisions who conduct the review are: Enterprise Architecture, Security, SCM, Project Management Division (PMD), and Customer Account Managers. Additionally, VITA’s Enterprise Cloud Oversight Services (ECOS) will review all procurements that involve off-premise hosting (i.e., SaaS). PMD has the responsibility to coordinate the review and deliver, to the CIO, a recommendation for his action. Visit this website for more information on the PGR process and agency requirements: <https://www.vita.virginia.gov/scm/default.aspx?id=671>.

For more information on VITA’s governance and oversight of certain IT projects, refer to the “Project Management Standard (CPM 112-03)” found at: <https://www.vita.virginia.gov/library/default.aspx?id=537#projectManagement>.

1.8.2 Submission for approval

All agency governance approval requests for Procurement Governance Reviews, RFPs, IFBs, contracts, and projects will be submitted to Project Management Division (PMD) through the IT Technology Portfolio and designated PMD analyst.

1.8.3 CIO recommendation for approval and termination of major IT projects

According to [§2.2-2016.1](#), the CIO shall have the authority to “review and approve or disapprove the selection or termination of any Commonwealth information technology project. The CIO shall disapprove any executive branch agency request to initiate a major information technology project or related procurement if funding for such project has not been included in the budget bill in accordance with § [2.2-1509.3](#), unless the Governor has determined that an emergency exists and a major information technology project is necessary to address the emergency. The CIO shall disapprove any Commonwealth information technology projects that do not conform to the Commonwealth strategic plan for information technology developed and approved pursuant to subdivision A 3 of § [2.2-2007.1](#) or to the strategic plan of executive branch agencies developed and approved pursuant to [§2.2-2014](#).

1.8.4 CIO approval for joint and cooperative procurement arrangements or purchases from another public body’s contract

If any agency desires to participate in or sponsor a joint and cooperative procurement arrangement for the procurement of IT goods and services, that arrangement must be approved by the CIO, regardless of the amount of the procurement. If a public body desires to purchase IT goods and services, regardless of amount, from another public body’s contract, that procurement may be permitted if approved in advance by the CIO ([§ 2.2-4304](#) (B) of the *Code of Virginia*).

1.8.5 CIO approval for GSA schedule 70 procurements

Procurements of IT goods and services of any amount using GSA schedule 70 or any other GSA schedule approved for use by states or localities must be approved by the CIO prior to being procured by any authority, department, agency or institution of the Commonwealth ([§ 2.2-4304](#) (C, E) of the *Code of Virginia*).

1.8.6 CIO approval for public auction procurements

Any public body, as defined in [§ 2.2-4301](#), which desires to purchase IT and telecommunications goods and services from a public auction sale, including an online public auction, must have the purchase approved in advance of the auction by the CIO, regardless of the amount of the purchase ([§ 2.2-4303](#) (I) of the *Code of Virginia*). Although agencies must request CIO approval for some but not all IT procurements, the CIO may disapprove any procurement, regardless of amount, that does not conform to the statewide technology plan or to the individual plans of agencies or public institutions of higher education ([§ 2.2-2012](#)(A) of the *Code of Virginia*).

1.9 Enterprise cloud oversight (ECOS) policy and approvals

In accordance with VITA's IT Operations Policies and Procedures for Third-Party Use, effective 12/15/2016, and found here: https://vita.virginia.gov/uploadedFiles/VITA_Main_Public/Library/PSGs/ThirdPartyUsePolicy.pdf, agencies desiring a cloud-based solution (i.e., Software as a Solution) for any procurement, must comply with the procedures and obtain the approvals described in this policy.

1.10 Commonwealth Compliance with Federal Security and Privacy Rules and Regulations

The CIO of Virginia is required to develop policies, standards and guidelines that require that any procurement of information technology made by the Commonwealth's executive, legislative, and judicial branches and independent agencies be made in accordance with federal laws and regulations pertaining to information security and privacy, as defined by [§2.2-2009](#) of the *Code of Virginia*. These agencies are required to validate their statutory compliance with this.

1.11 Exemptions from CIO approval or VITA's oversight pursuant to the Appropriations Act

§ 4-5.04 GOODS AND SERVICES

b. INFORMATION TECHNOLOGY FACILITIES AND SERVICES:

1. a) The Virginia Information Technologies Agency shall procure information technology and telecommunications goods and services of every description for its own benefit or on behalf of other state agencies and institutions, or authorize other state agencies or institutions to undertake such procurements on their own.

b) Except for research projects, research initiatives, or instructional programs at public institutions of higher education, or any non-major information technology project request from the Virginia Community College System, Longwood University, or from an institution of higher education which is a member of the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) as of July 1, 2003, or any procurement of information technology and telecommunications goods and services by public institutions of higher education governed by some combination of Chapters 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, requests for authorization from state agencies and institutions to procure information technology and telecommunications goods and services on their own behalf shall be made in writing to the Chief Information Officer or his designee. Members of VASCUPP as of July 1, 2003, are hereby recognized as: The College of William and Mary, George Mason University, James Madison University, Old Dominion University, Radford University, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, and the University of Virginia.

c) The Chief Information Officer or his designee may grant the authorization upon a written determination that the request conforms to the statewide information technology plan and the individual information technology plan of the requesting agency or institution.

d) Any procurement authorized by the Chief Information Officer or his designee for information technology and telecommunications goods and services, including geographic information systems, shall be issued by the requesting state agency or institution in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.

e) Nothing in this subsection shall prevent public institutions of higher education or the Virginia Community College System from using the services of Network Virginia.