

Chapter highlights

Purpose: This chapter outlines VITA's statutory procurement authority for 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 and legislative branch as well as 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 VITA under the authority granted to it by § 2.2-2012 of the *Code of Virginia*. The ITPM complies with §2.2-2012(A) which provides for the CIO to develop policies, standards, and guidelines for the procurement of information technology.

This ITPM establishes policies, standards and guidelines to be followed by every executive branch agency (as defined in Virginia Code § 2.2-2006), within the limits of delegated authority as determined by VITA.

Please see Appendix A for a list of terms and abbreviations that are used frequently throughout this ITPM.

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

The Virginia General Assembly established VITA as the statutory central procurement agency for IT. 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.

This manual aims to integrate the 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
- to encourage Commonwealth procurement professionals who participate in IT acquisitions to adopt VITA's key operating principles for IT procurement

Please refer to Appendix 1.0 for a list of VITA's key operating principles for IT procurement.

1.1 VITA's statutory IT procurement authority and responsibility

Pursuant to Virginia Code § 2.2-2012, VITA has sole authority to procure all IT for executive branch agencies and institutions of higher education except those exempted by law, including institutions of higher education which have signed management agreements with the Commonwealth. All procurements conducted by VITA are pursuant to the VPPA and any VITA-promulgated applicable procurement policies and guidelines.

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 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/procurement/policies--procedures/procurement-procedures/>

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 \$250,000, 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.

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 whether such goods and services are 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/procurement/policies--procedures/procurement-policies/>.

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://vita.virginia.gov/supply-chain/place-an-order/>.

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

An agency head may request approval to deviate from a VITA procurement requirement by submitting a written exception request to the CIO after determining that compliance with such a provision would result in a significant adverse impact or hardship to the agency,

Such a request must include a statement detailing the reasons for the exception needed, the significant adverse impact or hardship the agency would experience if VITA's procurement requirement 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 Virginia Code § 2.2-2007 and § 2.2-2012. Further detail is provided in Chapter 10 of this manual, General IT Procurement Policies.

1.5.2 Purchase of personal computers

VITA may establish contracts for the purchase of personal computers and related devices by licensed teachers for use outside the classroom in accordance with Virginia Code § 2.2-2012(D). 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/procurement/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://vita.virginia.gov/supply-chain/place-an-order/>.

A list of VITA's statutory offerings are attached here as Appendix 1.5.3. The complete catalog of IT goods and services offered by VITA is also available here: <https://www.vita.virginia.gov/technology-services/>.

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. Such procurements are delegated to agencies and do not need to be processed through VITA—only through the Commonwealth's electronic procurement system, eVA.

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 Virginia Code §2.2-2007(B)(9), the CIO has “the authority to enter into and amend contracts . . . 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, who may then bind VITA contractually within the limits of their delegation.

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

The 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 any contract requiring CIO approval over \$1 million dollars shall be approved by the Office of the Attorney General prior to submission to VITA's Project Management Division (PMD) for the CIO's review and approval.

1.8.1 CIO approval and oversight required for certain IT projects

The CIO shall review certain projects and recommend whether they be approved or disapproved, or require VITA oversight (see Virginia Code § 2.2-2017). 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 by the CIO, coordinated by the IT Investment Management (ITIM) group.

After receiving IBC approval, the agency must request CIO approval to begin the procurement process via the Procurement Governance Review (PGR) process. VITA staff will review to ensure that the procurement conforms to the agency's 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, PMD, and Customer Account Managers (CAM). Additionally, VITA's Enterprise Cloud Oversight Services (COV Ramp) 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://vita.virginia.gov/supply-chain/scm-policies-forms/summary-of->.

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://vita.virginia.gov/it-governance/itrm-policies-standards/>.

1.8.2 Submission for approval

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

1.8.3 CIO recommendation for approval and termination of major IT projects

Pursuant to [Virginia Code](#) § 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.”

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 procurements

Procurements of IT goods and services of any amount using GSA or any other GSA contract 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 (Virginia Code § 2.2-4304(C)).

1.8.6 CIO approval for public auction procurements

Any public body that 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 by the CIO, regardless of the amount of the purchase. 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 (Virginia Code § 2.2-2012(A)).

1.9 Enterprise cloud oversight policy and approvals

In accordance with VITA's cloud policies and procedures, now known as COV Ramp, , agencies desiring a cloud-based solution (i.e., Software as a Service) for any procurement, must comply with the procedures and obtain the approvals described. See <https://www.vita.virginia.gov/cov-ramp/> for more information.

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 Virginia Code § 2.2-2009. Agencies are required to validate their statutory compliance with these policies and standards.

1.11 Compliance with Cybersecurity Policies

All agencies are required to have cybersecurity policies that meet or exceed the Commonwealth's cybersecurity policy. Pursuant to Virginia Code § 2.2-2009, the CIO is required to conduct an annual comprehensive review of cybersecurity policies of every executive branch agency, with a particular focus on breaches in information technology that occurred and any steps taken by agencies to strengthen cybersecurity measures.

1.12 Compliance with § 2.2-5514 of the *Code of Virginia*

No IT goods or services may be procured by VITA or any Commonwealth public body in violation of Virginia Code § 2.2-5514. See SEC528 (Prohibited Hardware, Software and Services Policy) for more information.

