

VIRGINIA PROCUREMENT CODE

Fiscal Year End: June 30

1. **Prequalifications:** Prequalifications may be used for certain bids, in which case, contractors will be notified in advance.
 - a. **VPPA §2.2-4317.A** → Prospective contractors may be prequalified for particular types of supplies, services, insurance or construction, and consideration of bids or proposals limited to prequalified contractors. Any prequalification procedure shall be established in writing and sufficiently in advance of its implementation to allow potential contractors a fair opportunity to complete the process
2. **Auto-drop:** None.
3. **Life Cycle Costing (LCC):** Evaluations based on LCC are allowed if stated in the ITB.
 - a. **VPPA §2.2-4301 Pt. 4 (under “Competitive Sealed Bidding”)** → Evaluation of bids based upon the requirements set forth in the invitation, which may include special qualifications of potential contractors, life-cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, which are helpful in determining acceptability.
4. **Piggybacking:** Allowed.
 - a. **VPPA §2.2-4304.A** → Any public body may participate in, sponsor, conduct, or administer a cooperative procurement agreement on behalf of or in conjunction 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, the District of Columbia, or the U.S. General Services Administration, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods and services. Except for contracts for architectural and engineering services, a public body may purchase from another public body's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies...
5. **Recycle Preferences:** Promote use of recycled goods.
 - a. **VA Public Procurement Act 2.2-4323.A** → All state agencies shall implement a purchase program for recycled goods and shall coordinate their efforts so as to achieve the goals and objectives established in subsection C as well as those set forth in §§ 10.1-1425.6, 10.1-1425.7, 10.1-1425.8, 2.2-4313, 2.2-4324, and 2.2-4326.
 - b. **VA Public Procurement Act 2.2-4323.B** → The Department of Environmental Quality, with advice from the Virginia Recycling Markets Development Council, shall advise the Department of General Services concerning the designation of recycled goods. In cooperation with the Department of General Services, the Department of Environmental Quality shall increase the awareness of state agencies as to the benefits of using such products.
 - c. **VA Public Procurement Act 2.2-4323.C** → The Department of General Services shall:
 - i. Ensure that the Commonwealth's procurement guidelines for state agencies promote the use of recycled goods.
 - ii. Promote the Commonwealth's interest in the use of recycled products to vendors.

- iii. Make agencies aware of the availability of recycled goods, including those that use post-consumer and other recovered materials processed by Virginia-based companies.
- d. **VA Public Procurement Act 2.2-4323.D** → All state agencies shall, to the greatest extent possible, adhere to the procurement program guidelines for recycled products to be established by the Department of General Services.
- e. **General Procurement Policy 3.19** → Agencies are encouraged to promote the use of recycled goods. Through its programs, the Department of Environmental Quality shall increase agency awareness of the benefits of using such products. Information on the availability of recycled goods, including those which use post-consumer and other recovered materials processed by Virginia-based companies may be obtained by calling the DGS contact at 804-786-0103. Agencies shall, to the greatest extent possible, adhere to any recycled products procurement guidelines established by DGS (*Code of Virginia*, § 2.2-4323C).

<http://dps.dgs.virginia.gov/dps/Manuals/manuals-bottom.htm> (APSPM Updates - >Ch.3 ->3.19)

6. Minority/Small/Disadvantaged Business Enterprise preferences: MBE's shall be included in every solicitation, and small business enhancement is allowed if determined on a "rational basis" or "persuasive analysis."

- a. **§2.2-4310.A** → In the solicitation or awarding of contracts, no public body shall discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. Whenever solicitations are made, each public body shall include businesses selected from a list made available by the Department of Minority Business Enterprise.
- b. **§2.2-4310.B** → All public bodies shall establish programs consistent with this chapter to facilitate the participation of small businesses and businesses owned by women and minorities in procurement transactions. The programs established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to subsection C or, where applicable, by the chief executive of a local governing body pursuant to § 15.2-965.1, and shall include specific plans to achieve any goals established therein. State agencies shall submit annual progress reports on small, women- and minority-owned business procurement to the Department of Minority Business Enterprise in a form specified by the Department of Minority Business Enterprise.
- c. **§2.2-4310.C** → Whenever there exists (i) a rational basis for small business enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the availability and utilization of women- and minority-owned businesses, the Governor is authorized and encouraged to require state agencies to implement appropriate enhancement or remedial measures consistent with prevailing law.

7. Cooperative Purchasing

National IPA

The City of Tucson, AZ has awarded a national cooperative purchasing agreement available to agencies through National Intergovernmental Purchasing Alliance (National IPA). Visit the National IPA website for state specific information

<http://www.nationalipa.org/statutes.html>

National Joint Powers Alliance (NJPA)

NJPA currently supports over 100 national contracts for products and services that are available to local governmental agencies and other not for profit entities. Additional information can be found by visiting NJPA's State Procurement Resources web site.

<http://www.njpacoop.org/national-cooperative-contract-solutions/legal-authority/>

***** Virginia Public Procurement Act (on the left side of the screen, choose the top option: "VPPA"):** <http://dps.dgs.virginia.gov/dps/Manuals/manuals-bottom.htm>