**CHAPTER 8**

**SOLE SOURCE PROCUREMENT**

8. Definition

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8. **Definition**. A sole source procurement is authorized when there is only one source practicably available for the goods or services required. Competition is not available in a sole source situation; thus distinguishing it from a proprietary purchase where the product required is restricted to the manufacturer(s) stipulated, but is sold through distributors and competition between them can be obtained. Sole source justification based solely on a single vendor’s capability to deliver in the least amount of time is not appropriate since availability alone is not a valid basis for determining a sole source procurement. Note: For sole source requirements exceeding $5,000, a written quotation must be obtained from the vendor.

8.1 **Approval for Sole Source Procurements up to and including $50,000**. All sole source procurements for non-technology goods and services up to and including $50,000 must be approved in advance by the agency head or designee, which shall be the chief purchasing officer or a direct report to the agency head. The written determination, using the Sole Source Procurement Approval Request form in Annex 8-C (Annex 8-C must be submitted online using the e-form available in eVA), documenting that there is only one source practicably available for that which is to be procured, must be included in the procurement file. In addition, a memorandum must be attached to the request which addresses the four points shown in 8.2. The writing shall document the basis for the determination, which should include any market analysis conducted in order to ensure that the good or service required was practicably available from only one source. All purchasing agency employees having official responsibility with the procurement must complete a Public Procurement Ethics and Conflict of Interest Agreement (Annex 8-G). They should also be provided a copy of VPPA, Article 6. Ethics in Public Contracting.

8.2 **Procurements Over $50,000**.

 **Procurements Over $50,000**.

Unless otherwise authorized in this chapter, sole source procurements for non-technology goods and services over $50,000 must be approved by DGS/DPS prior to commencement of the actual procurement using the Sole Source Procurement Approval Request form found in Annex 8-C. Sole source procurements that originally included a renewal provision, for which approval for multi- years was obtained, do not need to be forwarded for approval until expiration of the term for which approval was obtained. In addition, a memorandum must accompany the request form, which addresses the following four points:

* Explain why this is the only product or service that can meet the needs of the purchasing agency.
* Explain why this vendor is the only practicably available source from which to obtain this product or service.
* Explain why the price is considered reasonable.
* Describe the efforts that were made to conduct a noncompetitive negotiation to get the best possible price for the taxpayers.

Once written approval has been given, agencies and institutions are delegated the authority to proceed with awarding the contract.

Sole source procurements for entertainment (speakers, lecturers, musicians and performing artists) over $50,000 do not require DGS/DPS approval, but must be approved prior to commencement of the actual procurement by the agency head or designee. Use the Sole Source Procurement Approval Request form in Annex 8-C, documenting that there is only one source practicably available for the entertainment to be procured, and include the signed form in the procurement file. In addition, a memorandum must be attached to the form which addresses the four points shown above.

8.3 **Negotiating a Contract**. Upon satisfying the requirements of paragraphs 8.1 and 8.2 above, a contract shall be negotiated and awarded without competitive sealed bidding or competitive negotiation. In making sole source procurement, it is the buyer’s or contracting officer’s responsibility to negotiate a contract that is in the best interest of the Commonwealth. Negotiations can be conducted through adding terms and conditions favorable to the Commonwealth and deleting or changing terms that are one‑sided, in favor of the contractor. It is important to know the market and the contractor’s situation in regard to the market. In noncompetitive negotiation, one must be exceptionally well prepared and negotiate to the extent that is practicable. Written documentation of the negotiations shall be included in the procurement file.

8.4 **Price Reasonableness Determination**. The buyer or contracting officer should carefully research the good or service and determine in writing what is a fair and reasonable price (see 4.10 for additional guidance). For example, if the good or service has been provided before, find out what price was previously paid. Research and determine if another agency has purchased the same commodity. This will provide valuable pricing information that can be used in the course of negotiations and in determining price reasonableness.

8.5 **Posting Requirements**. All sole source procurement award notices shall be posted on eVA (*Code of Virginia*, § 2.2-4303) and at a minimum state: that only one source was determined to be practicably available; that which is being procured; the contractor selected; and the date on which the contract was or will be awarded (see 3.18). Public award notices may be posted at locations in addition to posting on eVA VBO, at the discretion of the entity (public posting notice board, entity website, newspaper, etc.) but if posted in additional locations, the form in Annex 8-E should be used.

8.6 **Award Document**. Agencies must issue an award document (PO or contract) for sole source purchases in accordance with the provisions of Chapter 14. When a quote has been obtained from the vendor and no further negotiations are needed, a purchase order is acceptable. When complicated negotiations have been involved, it may be in the agency’s best interest to use the Commonwealth of Virginia Standard Contract form found in Annex 8-D.

8.7 **Legislatively Directed Contract Awards.**   If an appropriation of funds by the General Assembly specifies a particular entity from which the agency administering such funds is to procure goods or nonprofessional services, the agency administering such funds may utilize the sole source method of procurement, based on the agency's determination that the General Assembly has authorized award solely to that entity, and that there is therefore only one source practicably available for that which is to be procured.  If the entity to receive the contract is a charitable institution, the determination approved by the agency head or designee must include a determination that the compensation to be paid to the entity is no more than the fair and reasonable value of the goods or services being purchased from the entity.  For such legislatively-directed contract awards, the “Sole Source Procurement Approval Request" form set out in Annex 8-C and the associated approval by DGS/DPS are not required; however, the agency's determination on the points specified in this Section 8.7 must be approved in advance and in writing by the head of the agency administering such funds, or by the agency head's designee, prior to commencement of the actual procurement, and a notice of award as specified in § 2.2-4303(E), *Code of Virginia,* must be posted in eVA VBO.

Agencies may then execute a contract that includes but is not limited to the scope of work, period of performance, compensation, reporting requirements and appropriate terms and conditions.  An example form of contract award can be found in Annex 8-F.  Agencies are responsible for ensuring that contracts meet a measurable scope of work supporting the fair and reasonable value determination and require written progress/achievement reports from the contractor.

**Reporting Requirements Example:** If a charitable organization receives $5,000 to provide meals at an average cost of $10 each, the charitable organization would need to report on when and where it provided 500 meals.

8.8 **Alternative Procurement:**     If any payment is declared unconstitutional for any reason or if the Attorney General finds in a formal, written, legal opinion that a payment is unconstitutional, in circumstances where a good or service can constitutionally be the subject of a purchase, the administering agency of such payment is authorized to use the affected appropriation to procure, by means of the Commonwealth’s Public Procurement Act, goods and services, which are similar to those sought by such payment in order to accomplish the original legislative intent (2011 Appropriation Act, § 4.5.04).

**Annex 8-A**

**D**

**ETERMINE**

**R**

**EQUIREMENTS**

**R**

**ESEARCH**

**V**

**ENDORS**

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**F**

**P**

**URCHASING**

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**ERVICE-OBTAIN**

**FURTHER INFO**

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**STABLISH**

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**EASONABLENESS**

**Step 2**

**Step 3**

**Step 4**

**Step 6**

**Step 7**

Establish what is needed, quantity, when,

where, etc., and estimated cost.

Research vendors to verify that competition is

unavailable. Document steps to validate sole-

source option using Annex 8-C. Agency head or

designee must approve documentation justifying

sole source [see 1.2 e. (2)]; stating facts

showing

**"only one source practicably**

**available.**

**"**

If over $50,000, send to DGS/DPS

for approval, see 8.2.

Reasonableness may be determined by

contacting other users who have purchased

same or similar goods/services from vendor. As

a general rule, price reasonableness cannot be

determined, solely, on the basis of percent

discount from list. Documentation supporting the

determination of price reasonableness must be

part of the file

***(4.10)***

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Issue award document (

***8-D***

) and place notice of

sole source award on eVA (see 3.18).

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 **§ 2.2-4303E)**

For Goods and Non-professional Services when competition is not practicably available.

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**EGOTIATIONS**

**Step 5**

Negotiations shall be conducted with the

vendor. Issues for negotiation may be optimum

price, delivery or payment terms, start-up

supplies, extended warranties, service, etc.

Include documentation of the negotiation in files.

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If a service purchase, then consider following:

a.) If unsure, verify vendor's liability insurance if

work is to be performed on state owned/leased

property.

b.) Verify applicable contractor's license.

c.) Reference checks.

Obtain quote; if over $5,000 obtain written

quote. If phone quoting under $5,000, keep

record of item and service description, price

quote, delivery terms/times, F.O.B. point,

contact name, and date quoted. Insure total

freight/delivery costs are included in total cost.

**E**

**ND**

**Annex 8-B**

**SOLE SOURCE CHECKLIST**

 1. Public Procurement Ethics and Conflict of Interest Agreement (Annex 8-G) by all agency employees having an involvement with the sole source procurement.

 2. Written determination approved by the agency head or designee as provided in 8.1, for procurements up to and including $50,000. The procurement must address the four points shown in 8.2.

 3. Approval for sole source, non-technology procurements over $50,000 must be signed by the agency head or designee, as provided in 8.2, and sent to DGS/DPS for approval prior to commencement of the actual procurement. All requests for approval must be submitted online using the eform available in eVA.

 4. Noncompetitive negotiation shall be conducted. The file shall include the results of the negotiations.

 5. Evidence that a determination of price reasonableness was conducted.

 6. Post sole source notice of award on eVA VBO.

 7. PO or contract issued.

**Annex 8-C**

(Annex 8-C must be submitted online using the e-form available in eVA

by the Agency Procurement Officer)

**Annex 8-D**

 **COMMONWEALTH OF VIRGINIA**

 **STANDARD CONTRACT**

 **(for use with noncompetitively negotiated contracts only)**

 Contract Number:

 This contract entered into this \_\_\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_, by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hereinafter called the “Contractor” and Commonwealth of Virginia, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Department, Agency, Division) called the “Purchasing Agency.”

WITNESSETH that the Contractor and the Purchasing Agency, in consideration of the mutual covenants, promises and agreements herein contained, agree as follows:

SCOPE OF SERVICES: The Contractor shall provide the services to the Agencies of the Commonwealth of Virginia as set forth in the Contract Documents.

PERIOD OF PERFORMANCE: From \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ through \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The contract documents shall consist of:

(1) This signed form;

(2) The attached purchasing description, which consists of:

(a) The Scope of Work, and/or item description

(b) The General Terms and Conditions,

(c) The Special Terms and Conditions all of which documents are incorporated herein.

IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed intending to be bound thereby.

CONTRACTOR: PURCHASING AGENCY:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Note: This public body does not discriminate against faith-based organizations in accordance with the *Code of Virginia*, § 2.2-4343.1 or against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.**

**Annex 8-E**

**(Agency Letterhead**)

 COMMONWEALTH OF VIRGINIA

 **NOTICE OF SOLE SOURCE AWARD**

DATE OF AWARD \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

COMMODITY \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PURCHASE ORDER OR CONTRACT NUMBER:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CONTRACTOR(S)/VENDOR(S)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IT HAS BEEN DETERMINED THAT ONLY ONE SOURCE IS PRACTICABLY AVAILABLE FOR THE COMMODITY LISTED ABOVE.

RECORDS FOR THIS PROCUREMENT ARE NOW AVAILABLE FOR INSPECTION.

(PURCHASE OFFICER/CONTRACT OFFICER) (SIGNATURE)

 NAME TYPED OR PRINTED

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 TELEPHONE NUMBER

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 E-MAIL ADDRESS

**Annex 8-F**

(AGENCY LETTERHEAD)

**COMMONWEALTH OF VIRGINIA**

FORM OF CONTRACT AWARD

Contract Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Vendor/Organization Reference Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Vendor/Organization Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**SCOPE OF WORK**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**PERIOD OF PERFORMANCE**: From \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ through \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**COMPENSATION**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**REPORTING REQUIREMENTS:** The contractor shall provide a (weekly/monthly) progress report to (a specific person or title) outlining the specific tasks completed pursuant to the provisions of the contract and the completion dates of such tasks and projected completion dates for the remaining specific tasks required by the contract. At least (two weeks) prior to the submission of the final report, the contractor shall present a preliminary draft of the final report to (a specific person or title). The agency shall have the right to require additional elaboration as it deems necessary to insure a comprehensive and thorough written report of all required work required by the contractor. On or before the ending period of performance specified in the contract, a final report shall be delivered to (a specific person or title) for its approval. The contractor shall furnish (*n*) copies of the final report.

This contract award is subject to the attached list of General Terms and Conditions of the Commonwealth of Virginia *Vendors Manual Appendix B Section II* and any changes or revisions thereto, which are hereby incorporated into this contract in their entirety. A copy of the manual is normally available for review at the purchasing office and is accessible on the internet at [www.eva.virginia.gov](http://www.eva.virginia.gov) under “Vendors Manual” on the vendor tab. Additionally, this contract award is subject to any attached Special Terms and Conditions.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Agency Signature) (Contractor Signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Printed Name) (Printed Name)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Title) (Title)

**Note: This public body does not discriminate against faith-based organizations in accordance with the *Code of Virginia*, § 2.2-4343.1 or against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.**

**REQUIRED GENERAL TERMS AND CONDITIONS FOR ALTERNATIVE PROCUREMENTS**

**GOODS AND NONPROFESSIONAL SERVICES**

A. *VENDORS MANUAL*

B. APPLICABLE LAWS AND COURTS

C. ANTI-DISCRIMINATION

E. IMMIGRATION REFORM AND CONTROL ACT OF 1986

J. PAYMENT

O. CHANGES TO THE CONTRACT

V. DRUG-FREE WORKPLACE

Y. AVAILABILITY OF FUNDS

BB. AUTHORIZATION TO CONDUCT BUSINESS IN THE COMMONWEALTH

Annex 8-G SAMPLE

PUBLIC PROCUREMENT ETHICS,

AND CONFLICT OF INTEREST AGREEMENT

The procurement of goods and services by a public body from a private enterprise is a sensitive process governed by law. We must be assured that all public parties involved in the selection process do nothing to contribute to the **“fact”** or **“appearance”** of any impropriety or personal interest in the outcome of the procurement, and thus maintain public confidence in the objectivity of the evaluation process. To better make you aware of the sensitivity of public procurements, each person having official responsibility with the procurement shall be required to agree and comply with the following statements derived from *Article 6,* ***Ethics In Public Contracting****, Virginia Public Procurement Act*, and other laws and policy*.*

For purposes of the statements below, an “interested firm” includes any firm that may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the procurement. At a minimum, this includes any business entity that foreseeably may participate as a supplier, subcontractor, or consultant to such a vendor in connection with the procurement.

1. I certify that I am not an officer or director of any interested firm. Similarly, no member of my immediate family is an officer or director of any interested firm.

1. I certify that neither I nor any member of my immediate family owes any money or other obligation to any employee or officer of any interested firm.
2. I certify that I do not have any funds invested in any interested firm. Similarly, neither I nor any member of my immediate family own or control an interest in any interested firm.

1. I certify that neither I, nor any member of my immediate family, received lodging, entertainment, transportation, money or anything else of nominal value offered by an employee or officer of any interested firm. (This includes tickets to sporting events or shows, meals or lodging, gifts, etc.). During and after the procurement process, I will not accept any of the forgoing from any employee or officer of any interested firm.

**NOTE:** Exceptions to D. must be approved by the Agency Director. Such approval could include acceptance of a meal which is widely offered to many individuals inside and outside the agency (i.e. provided on-site when a break in the proceedings is not practicable).

# I certify that I have not received any compensation from any interested firm. No member of my immediate family has received compensation, salary or wages in excess of $5,000 from any interested firm.

**NOTE:** If at any time during the evaluation/selection process, I find that I, or any member of my immediate family, have a personal interest in any interested firm, then I will promptly notify the selection committee chairperson of this conflict and voluntarily remove myself from this evaluation/selection process and file any necessary official disqualification required by law.

I further agree to abide by all the policies/procedures contained in this document relative to this procurement as well as any other instructions and directions issued by Contracting Officer.

###

### Signature Date

###

Printed Name Agency

Title

Code of Virginia [Title 2.2. Administration of Government](https://law.lis.virginia.gov/vacode/title2.2/) » [Subtitle II. Administration of State Government](https://law.lis.virginia.gov/vacode/title2.2/) » [Part B. Transaction of Public Business](https://law.lis.virginia.gov/vacode/title2.2/) » [Chapter 43. Virginia Public Procurement Act](https://law.lis.virginia.gov/vacode/title2.2/chapter43/) » [Article 2. Contract Formation and Administration](https://law.lis.virginia.gov/vacode/title2.2/chapter43/) » § 2.2-4303. Methods of procurement

**§ 2.2-4303. Methods of procurement.**

A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law.

B. Professional services shall be procured by competitive negotiation.

C. Goods, services other than professional services, and insurance may be procured by competitive sealed bidding or competitive negotiation.

Upon a written determination made in advance by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services set forth in § [2.2-4302.2](https://law.lis.virginia.gov/vacode/2.2-4302.2/). The basis for this determination shall be documented in writing.

D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances:

1. By any public body on a fixed price design-build basis or construction management basis as provided in Chapter 43.1 (§ [2.2-4378](https://law.lis.virginia.gov/vacode/2.2-4378/) et seq.); or

2. By any public body for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for:

1. Goods and services other than professional services and non-transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed $100,000; and

2. Transportation-related construction, if the aggregate or sum of all phases is not expected to exceed $25,000.

However, such small purchase procedures shall provide for competition wherever practicable.

Such purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed $80,000.

Where small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.

For state public bodies, purchases under this subsection that are expected to exceed $30,000 shall require the (a) written informal solicitation of a minimum of four bidders or offerors and (b) posting of a public notice on the Department of General Services' central electronic procurement website or other appropriate websites. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

H. Upon a determination made in advance by a public body and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. Purchase of information technology and telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any authority, department, agency, or institution of the Commonwealth if approved by the Chief Information Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.

I. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

1982, c. 647, § 11-41; 1985, c. 164; 1986, cc. 332, 559; 1987, c. 456; 1988, cc. 40, 640; 1989, c. 296; 1991, c. 73; 1993, c. 242; 1996, cc. [827](http://lis.virginia.gov/cgi-bin/legp604.exe?961+ful+CHAP0827), [965](http://lis.virginia.gov/cgi-bin/legp604.exe?961+ful+CHAP0965), [1019](http://lis.virginia.gov/cgi-bin/legp604.exe?961+ful+CHAP1019); 1999, c. [178](http://lis.virginia.gov/cgi-bin/legp604.exe?991+ful+CHAP0178); 2000, cc. [637](http://lis.virginia.gov/cgi-bin/legp604.exe?001+ful+CHAP0637), [647](http://lis.virginia.gov/cgi-bin/legp604.exe?001+ful+CHAP0647), [664](http://lis.virginia.gov/cgi-bin/legp604.exe?001+ful+CHAP0664), [692](http://lis.virginia.gov/cgi-bin/legp604.exe?001+ful+CHAP0692); 2001, cc. [395](http://lis.virginia.gov/cgi-bin/legp604.exe?011+ful+CHAP0395), [844](http://lis.virginia.gov/cgi-bin/legp604.exe?011+ful+CHAP0844); 2003, cc. [644](http://lis.virginia.gov/cgi-bin/legp604.exe?031+ful+CHAP0644), [895](http://lis.virginia.gov/cgi-bin/legp604.exe?031+ful+CHAP0895); 2004, cc. [706](http://lis.virginia.gov/cgi-bin/legp604.exe?041+ful+CHAP0706), [874](http://lis.virginia.gov/cgi-bin/legp604.exe?041+ful+CHAP0874), [906](http://lis.virginia.gov/cgi-bin/legp604.exe?041+ful+CHAP0906); 2005, c. [394](http://lis.virginia.gov/cgi-bin/legp604.exe?051+ful+CHAP0394); 2006, cc. [464](http://lis.virginia.gov/cgi-bin/legp604.exe?061+ful+CHAP0464), [510](http://lis.virginia.gov/cgi-bin/legp604.exe?061+ful+CHAP0510); 2008, c. [78](http://lis.virginia.gov/cgi-bin/legp604.exe?081+ful+CHAP0078); 2009, c. [123](http://lis.virginia.gov/cgi-bin/legp604.exe?091+ful+CHAP0123); 2010, c. [567](http://lis.virginia.gov/cgi-bin/legp604.exe?101+ful+CHAP0567); 2011, cc. [332](http://lis.virginia.gov/cgi-bin/legp604.exe?111+ful+CHAP0332), [594](http://lis.virginia.gov/cgi-bin/legp604.exe?111+ful+CHAP0594), [612](http://lis.virginia.gov/cgi-bin/legp604.exe?111+ful+CHAP0612), [681](http://lis.virginia.gov/cgi-bin/legp604.exe?111+ful+CHAP0681); 2012, cc. [805](http://lis.virginia.gov/cgi-bin/legp604.exe?121+ful+CHAP0805), [836](http://lis.virginia.gov/cgi-bin/legp604.exe?121+ful+CHAP0836); 2013, cc. [502](http://lis.virginia.gov/cgi-bin/legp604.exe?131+ful+CHAP0502), [583](http://lis.virginia.gov/cgi-bin/legp604.exe?131+ful+CHAP0583); 2015, cc. [760](http://lis.virginia.gov/cgi-bin/legp604.exe?151+ful+CHAP0760), [776](http://lis.virginia.gov/cgi-bin/legp604.exe?151+ful+CHAP0776); 2016, cc. [228](http://lis.virginia.gov/cgi-bin/legp604.exe?161+ful+CHAP0228), [604](http://lis.virginia.gov/cgi-bin/legp604.exe?161+ful+CHAP0604); 2017, cc. [699](http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+CHAP0699), [704](http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+CHAP0704); 2018, c. [461](http://lis.virginia.gov/cgi-bin/legp604.exe?181+ful+CHAP0461).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.