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I. Purpose.

This document covers policies and procedures pertaining to sole source procurements of IT goods and services. Executive branch agencies or agencies, as defined by § [2.2-2006](#) of the *Code of Virginia*, are subject to these policies and procedures, except as explicitly exempted by law. References to “agency/agencies” in this document are as defined in Virginia Code § [2.2-2006](#).

II. Definitions.

“*Sole source procurements*” are those where the cost of the procurement exceeds \$10,000 and only one source is available to meet an agency’s needs.

IT procurements less than \$200,000 are considered small purchases, and VITA’s small purchase policies apply. For more information, please review our Small Purchase Policy on the [VITA SCM Policies webpage](#): <https://www.vita.virginia.gov/procurement/policies-procedures/procurement-policies/>. For sole source IT procurements of less than \$250,000 (VITA’s

delegation limit), agencies are encouraged to utilize [VITA's Sole Source Approval Form](#) to document their sole source justification in the agency procurement file.

III. General Information.

If only one source is practicably available for procurement of IT goods or services, a contract may be negotiated and awarded without competitive negotiation or competitive sealed bidding.

IV. Authority for Sole Source Procurements.

Agencies have delegated authority from VITA for sole source IT procurements of non- infrastructure goods and services up to \$250,000. A list of infrastructure and non-infrastructure goods and services can be found on the [VITA SCM Procedures webpage](#). Agency sole source procurements over \$250,000 are not delegated and should be approved by VITA's Supply Chain Management (SCM). Because sole source procurements are not competitive, approval is granted on an exception-only basis.

V. COV Ramp Process.

Regardless of the amount, if the Sole Source Procurement involves an off-premise (cloud hosted) solution, agencies must follow the [COV RAMP](#) (formerly ECOS) process and the [Cloud Third Party Use](#) policy. A Security Assessment of the cloud service application will need to be completed by the supplier and approved by COV RAMP, via a work request (1-003) submitted through VITA's ServiceNow portal at: <https://vccc.vita.virginia.gov/> and special Cloud Services Terms & Conditions must be included in the contract prior to award. These may be obtained by sending a request to: scminfo@vita.virginia.gov.

VI. Negotiating a Contract.

For any sole source procurement, agencies shall negotiate the optimal price and contract terms with the supplier.

VII. Sole Source Procurements Resulting in High-Risk Contracts

[Section 2.2-4303.01](#) of the *Code of Virginia* defines "high risk contracts."

Prior to awarding a sole source high-risk contract, VITA and the Office of the Attorney General will review the contract within 30 business days to determine the contract's compliance with state law and policy, as well as the legality and appropriateness of the contract terms and conditions. The review will ensure the inclusion of distinct and measurable performance metrics and clear

enforcement provisions, as well as clearly outlined penalties and incentives to be used if contract performance metrics are not met.

Agencies are required to contact VITA's Supply Chain Management Division (SCM) at scminfo@vita.virginia.gov during the contract preparation stage for assistance in preparing and evaluating the proposed contract's terms and conditions, and with identifying and preparing the required performance measures and enforcement provisions.

VIII. Notice of Award.

Agencies must post a written notice of award specifying what is being procured, the supplier selected, the date of contract award, and a statement that only one source was determined to be practicably available. This notice shall be posted on [eVA](#) and may be published in a newspaper of general circulation or in an online-only news publication, in accordance with Virginia Code [§ 8.01-324](#), on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on eVA is required of all state public bodies. Local public bodies are encouraged to utilize eVA.

IX. Sole Source Procurement Requests.

Agencies must utilize the following approval process for a sole source procurement if the amount of the procurement is over \$250,000:

1. Forward a completed Sole Source Procurement Approval Request form to VITA's Supply Chain Management (SCM) at scminfo@vita.virginia.gov. This form is located on the [VITA SCM Policies webpage](#).
2. After approval is obtained (see *Annex* for Approval Guidelines), the agency shall negotiate the contract and proceed with the purchase utilizing [eVA](#).

X. Authority Reference(s)

Code of Virginia, [§ 2.2-2006](#); includes definition of "executive branch agency" or "agency".

Code of Virginia, [§ 2.2-4303\(E\)](#); identifies characteristics and public notice requirements of sole source procurement .

Code of Virginia, [§ 2.2-4303.01](#); defines high-risk contracts and provides review and evaluation criteria for high-risk solicitations and resulting contracts.



Code of Virginia , [§ 2.2-5514](#). Prohibits use of certain software, hardware, and services by public bodies as determined by the U.S. Dept. of Homeland Security.

Code of Virginia, [§8.01-324](#). Provides the definition of an online-only news publication for legal notices and publications.

Annex A
Approval Guidelines

The table below provides approval requirements and routing guidelines for the Sole Source Procurement Approval Request Form:

Procurement type	Infrastructure Goods/Services	Non-Infrastructure Goods/Services
Delegated Procurements	All infrastructure goods/services are nondelegated, except for Cloud Services*	<p>Amount: up to \$250,000 for non-Cloud Services*</p> <p>Approval: Agency head or designee; SCM approval is not required for non-Cloud Services*</p> <p>Attach the completed Sole Source Procurement Approval Request Form to eVA requisition.</p> <p>* Agencies have a zero dollar delegated authority for Cloud Services. SCM approval is required*</p>
Non- Delegated Procurements	<p>Amount: Any</p> <p>Approval: Local Area Coordinator/Regional Service Director</p> <p>Route the completed Sole Source Procurement Approval Request Form to scminfo@vita.virginia.gov</p>	<p>Amount: over \$250,000</p> <p>Approval: Agency head or designee</p> <p>Route the completed Sole Source Procurement Approval Request Form to scminfo@vita.virginia.gov</p>



Annex B
Version Control

This chart contains a history of this policy's revisions:

Version	Date	Purpose of Revision
01	07/01/2020	Base document
02	07/2024	Includes reference to §8.01-324 and clarifying and administrative updates.