

Overview of the Virginia Public Procurement Act

**Special Joint General Laws
Subcommittee Studying the Virginia
Public Procurement Act**

May 14, 2013

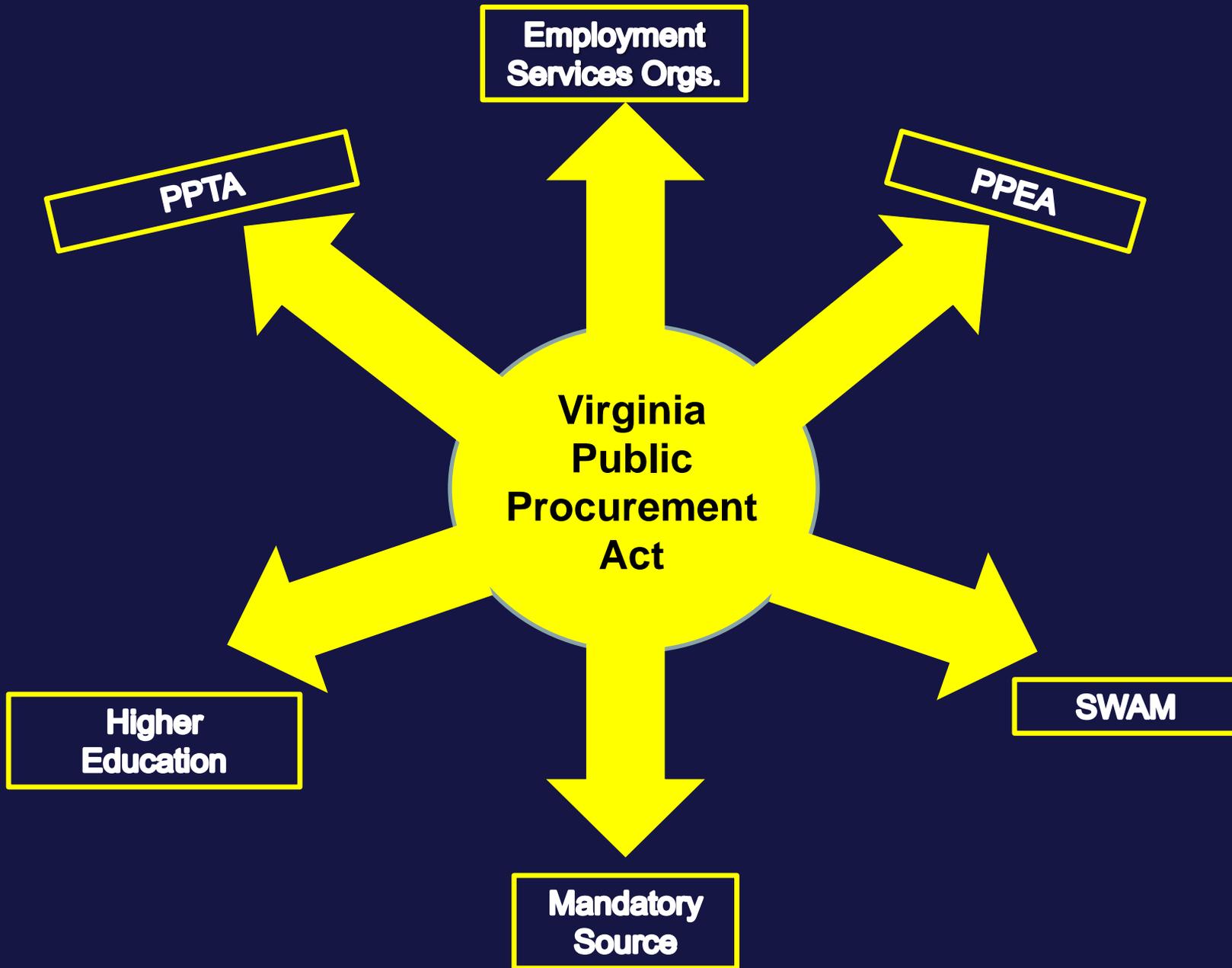
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Background

- **Vulnerable processes**
- **No uniform procurement policy**
- **Variety of statutes and rules**
- **SJR 148 (1979)**

Virginia Public Procurement Act

- **All state entities and localities covered**
- **Purpose**
 - High quality at reasonable prices
 - Fair and impartial process
 - Access to public contracts
- **Organization- Six Articles**
 - Art. 1 General Provisions
 - Art. 2 Contract Formation and Administration
 - Art. 3 Exemptions and Limitations
 - Art. 4 Prompt Payment
 - Art. 5 Remedies
 - Art. 6 Ethics in Public Contracting



Issues Impacting the VPPA

- **Mandatory procurement: VCE**
 - Required for state entities
 - Discretionary for localities
 - Exceptions
- **Supplier diversity**
 - Certification
 - Programs to facilitate participation
 - Executive Order 33 (2006)
- **Employment services organizations**

Issues Impacting the VPPA

- **Public-Private Partnerships**
 - Public-Private Transportation Act of 1995
 - Public-Private Education Facilities and Infrastructure Act of 2002
- **Public Institutions of Higher Education**
 - Restructured Higher Education Financial and Administrative Operations Act (2005)
 - Three levels of autonomy

Issues Impacting the VPPA

- **General Services**
 - **Role**
 - **Division of Purchases and Supply**
 - **Division of Engineering and Buildings**
- **Electronic Procurement : eVa**

Competitive Sealed Bidding

- Goods, printing, or nonprofessional services
- Invitation to Bid: specification driven
- Public notice required
- Agency developed specifications
- Bidding on same terms and conditions
- Award to lowest responsible and responsive bidder

Competitive Negotiation

- Services and some aspects of construction
- Request for Proposal
- Public notice required
- “Concept” provided by the public body
- Price is one of many factors
- Qualifications are critical
- Award to vendor deemed most qualified

Competitive Negotiation

Architectural or Professional Engineering Services

- **Similar experience/Similar projects**
- **Clearly identified in the RFP**
- **Limited to one-year term or by project fee limits**
- **Renewable for four one-year terms**

Competitive Negotiation

Architectural or Professional Engineering Services

- **General Rule: project fee limited to \$100,000**
- **Exception to general rule**
 - **State agency: \$200,000**
 - **Certain localities: \$1 million**

Methods of Procurement

- **Competitive Negotiation**
- **Competitive Sealed Bidding**
- **Sole Source**
- **Emergency**
- **Small Purchase**
- **Other Methods**
 - **Reverse Auctioning**
 - **Cooperative Procurement**

Allowable Preferences

- **General Rule: tie bid; preference to VA firm or products**
- **Other Preferences**
 - Recycled content
 - Coal mined in Virginia
 - Paper and paper products; highest recycled content
 - Local preferences

Exemptions

- **Exemption from VPPA**
- **Exemption from competition**
- **Exemption from competitive sealed bidding and competitive negotiation**
- **Other exemptions**

Questions?

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http://dls.virginia.gov/interim_studies_procurement.html