

Special Joint General Laws Subcommittee Studying the Virginia Public Procurement Act. Interim Report 2013 Executive Summary

House Bill 2079 (Delegate S. Chris Jones) was enacted by the 2013 Session of the General Assembly. By its terms, HB 2079 will not become effective until July 1, 2014 to allow the House Committee on General Laws and the Senate Committee on General Laws and Technology to conduct a comprehensive study of the Virginia Public Procurement Act (VPPA) (§ 2.2-4300 et seq.) of the Code of Virginia during the 2013 interim, and to identify weaknesses and other problems in the VPPA, and to recommend improvements where such weaknesses or problems exist. HB 2079 also required the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology to convene a work group in 2013 to examine the provisions of the VPPA. It was decided by the Chairmen that workgroups would be selected in 2014, after the Special Joint General Laws Subcommittee Studying the Virginia Public Procurement Act (Special Joint Subcommittee) met in 2013, in accordance with Rules 18 and 19 of the Rules of the House of Delegates and Rule 20(h) of the Rules of the Senate of Virginia, to solicit comment from interested parties on problems identified in the VPPA.

Year One of this study (2013) was a comprehensive fact-finding mission by the Special Joint Subcommittee, including an educational component on the operation of the VPPA for the benefit of the membership as it undertook this study. Four meetings conducted during the 2013 interim were dedicated to receiving public comment from parties involved in public procurement, including representatives of state and local government and the vendor community, and other interested parties. The fourth and final meeting identified issues to be addressed by the workgroups to be selected by the Special Joint Subcommittee in 2014. No recommendations for legislation were expected, and none were made, for the 2014 Session from the Special Joint Subcommittee. At the conclusion of this first year of study, the Special Joint Subcommittee identified the points of consensus where a problem or issue in the VPPA existed that needed to be addressed.

The membership of the Special Joint Subcommittee consisted of House Committee on General Laws members: Delegate S. Chris Jones, Chair, Delegate Dave Albo, Delegate Thomas "Tag" Greason, Delegate Nick Rush, and Delegate Matthew James; and Senate Committee on General Laws and Technology members Senator Frank Ruff, Jr. (alternate), Senator Richard Stuart, Vice-Chair, Senator J. Chapman Petersen, and Senator Bryce Reeves.

The Special Joint Subcommittee also directed that a website be created for interested parties to follow this study. Available on the website are agendas, meeting summaries, copies of all presentations made to the Special Joint Subcommittee, issue matrixes, and directions on how to participate in the work of the Special Joint Subcommittee. The website address is: http://dls.virginia.gov/interim_studies_procurement.html.

Year Two of this study (2014) will focus on the issues identified during Year One. The workgroups will be selected by the Special Joint Subcommittee to examine specific VPPA issues and will begin their work to recommend resolution to these issues during the 2014 interim. The goal at the conclusion of the second year of this study is the recommendation of VPPA legislation by the Special Joint Subcommittee for consideration by the 2015 Session of the General Assembly.

The principal objective of the workgroups will be to develop consensus on as many issues as possible and make recommendations for their resolution to the Special Joint Subcommittee in 2014. Any issues on which consensus cannot be achieved will be referred to the Special Joint Subcommittee for disposition. The Special Joint Subcommittee agreed to establish three workgroups as follows:

1. Construction, including Design Professional Services
2. IT Procurement and Other Professional Services
3. Goods and Nonprofessional Services