

**Special General Laws Joint Subcommittee  
Studying the Virginia Public Procurement Act  
Work Group 1: Construction and Design Professionals  
May 8, 2014, at 9:30 a.m.  
House Room 1, The Capitol, Richmond  
Meeting Summary**

**Members present:** Anthony Arnold, P.E., Lee Brazzell, Angela Chiang (for Ida McPherson), Patrick Cushing, Esq. (for Reginald M. Jones, Esq.), Annette Cyphers, Elizabeth Dooley, William H. Hefty, Esq., Bert Jones, Thomas Julian, Jr., P.E., Chris Lloyd, Esq., Hunter Merrill, Gary Mitchell, Steve Owens, Rich Sliwoski, Chris Stone, P.E., Cecelia Stowe, Steve Vermillion, and Uwe Wiendal, P.E.

**Members absent:** Bernice Travers, Jeff Southard.

Maria Everett, Senior Attorney, Division of Legislative Services, began the meeting by reviewing the status of the work group under the Virginia Freedom of Information Act (FOIA). The work group is a public body under FOIA and provisions regarding meetings and records generated by the by the group are applicable. Amigo Wade, Senior Attorney, Division of Legislative Services, provided an overview of the activities of the Special General Laws Joint Subcommittee during the 2013 interim and reviewed the work group's study plan. A total of four additional meetings has been scheduled:

Thursday, June 19, 2014 9:30 a.m., House Room 1, The Capitol Richmond, Virginia	Wednesday, September 17, 2014 9:30 a.m., House Room 1, The Capitol Richmond, Virginia
Wednesday, July 23, 2014 9:30 a.m., House Room 1, The Capitol Richmond, Virginia	Wednesday, October 15, 2014 9:30 a.m., House Room 1, The Capitol Richmond, Virginia

Mr. Wade noted that the goal over the course of the meetings is to seek consensus on as many issues as possible. Any issues or matters upon which consensus cannot be reached will be referred to the Special General Laws Joint Subcommittee for final resolution.

Each member of the work group then made brief introductory remarks including a statement of the issues of greatest importance to their community of interest and the goals the member wishes to achieve. Dominant themes included establishing best practices; ensuring a level playing field for small, minority-owned, and women-owned businesses; and resolution of issues related to the method of procurement, job order contracting, and cooperative procurement.

The work group then reviewed the Scope of Work document (SOW) to determine which issues were manageable or where consensus could be reached relatively easily.<sup>1</sup> Staff offered issues related to (i) job order contracting limits (SOW Items 10 through 16, 21, and 42), (ii) technical revisions to the term contract provisions of the Virginia Public Procurement Act (SOW Items 7, 42, and 52), and (iii) suggestions to prevent the passage of legislation that conflicted with the intent of the VPPA (SOW Items 3 and 35). There was agreement that these three issue groupings were manageable.

The work group also reached consensus that the following issues were worthy of further discussion as manageable or where consensus could be reached relatively easily: (i) cooperative procurement (SOW Item 41), including whether construction should be authorized and how the method interacts with job order contracting; (ii) appropriate use of the small purchase contracting provision to procure construction; and (iii) reviewing options or increased oversight and enforcement, including the feasibility of establishing an entity to hear appeals (SOW Items 23 and 33).

### **Public Comment**

The work group next received public comment

*Mark Flynn, General Counsel, Virginia Municipal League*

Mr. Flynn stated that it would be improper to assume that if a public body purchases off of a cooperative contract that it will pay more. The definition of construction in the VPPA is very broad and cooperative contracting may include activities that are within that definition.

*Matthew D. Benka, Coalition for Procurement Reform.*

Mr. Benka stated that the Coalition for Procurement Reform does not support the inclusion of construction under cooperative contracting.

The meeting concluded at 12:15 p.m.

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<sup>1</sup> The SOW consists of the issues matrix compiled by staff in the first year of study and the legislation referred to the Special Joint Subcommittee from the 2014 Session of the General Assembly