

1

2 **Virginia Public Procurement Advisory Council.**

3 **§ 30-XX. Virginia Public Procurement Advisory Council; membership; terms;**
4 **quorum; expenses.**

5 A. The Virginia Public Procurement Advisory Council (the Council) is hereby created as
6 an advisory council in the legislative branch to encourage and facilitate compliance with, and act
7 as a forum for, the laws governing public procurement in the Commonwealth, specifically the
8 Virginia Public Procurement Act (§ 2.2-4300 et seq.), the Public-Private Education Facilities and
9 Infrastructure Act of 2002 (§ 56-575.1 et seq.), and the Restructured Higher Education Financial
10 and Administrative Operations Act (§ 23-38.88 et seq.).

11 B. The Council shall consist of 13 members as follows: The Director of the Department
12 of General Services or his designee, the Director of the Department of Small Business and
13 Supplier Diversity or his designee, the Attorney General or his designee as ex officio members
14 with full voting privileges; four members appointed by the Speaker of the House of Delegates,
15 one of whom shall be a member of the House of Delegates, and three nonlegislative citizen
16 members, one of whom shall be or have been a state government procurement official, one of
17 whom shall represent the vendor community, and one of whom is a nonlegislative citizen at large
18 member; three members appointed by the Senate Committee on Rules, one of whom shall be a
19 member of the Senate, one of whom shall be or have been a local government procurement
20 official, and one of whom shall be a nonlegislative citizen at large member; and three
21 nonlegislative citizen members appointed by the Governor, one whom shall be a procurement

22 official representing a public institution of higher education that has autonomy in procurement
23 granted under the Restructured Higher Education Financial and Administrative Operations Act
24 and one of whom shall represent the vendor community. The local government procurement
25 official may be selected from a list recommended by the Virginia Association of Counties, the
26 Virginia Municipal League, and the Virginia Association of Government Procurement, after due
27 consideration of such list by the Senate Committee on Rules.

28 C. All appointments following the initial staggering of terms shall be for terms of four
29 years, except that appointments to fill vacancies shall be for the unexpired terms in the same
30 manner as the original appointment. No nonlegislative citizen member shall be eligible to serve
31 for more than two successive four-year terms. However, after the expiration of a term of three
32 years or less, or after the expiration of the remainder of a term to which appointed to fill a
33 vacancy, two additional terms may be served by such member if appointed thereto. Legislative
34 members and ex officio members shall serve terms coincident with their terms of office.
35 Legislative members may be reappointed for successive terms.

36 D. The members of the Council shall elect from among the legislative membership of the
37 Council a chairman and a vice-chairman. The Council shall hold meetings quarterly or upon the
38 call of the chairman. A majority of the Council shall constitute a quorum.

39 E. Members of the Council shall receive no compensation for their services but shall be
40 reimbursed for all reasonable and necessary expenses incurred in the performance of their duties
41 as provided in §§ 2.2-2813, 2.2-2825 and 30-19.12, as appropriate. Funding for expenses of the
42 members shall be provided from existing appropriations to the Council.

43 **§ 30-2XX. Powers and duties of the Council.**

44 The Council shall:

45 1. Conduct training seminars and educational programs for the members and staff of
46 public bodies, the vendor community, and other interested persons on the requirements of the
47 laws governing public procurement in the Commonwealth;

48 2. Publish such educational materials as it deems appropriate on the laws governing
49 public procurement in the Commonwealth;

50 3. Review any (i) required written determinations of public bodies regarding methods of
51 procurement and (ii) statutory waivers and related exemptions from the laws governing public
52 procurement in the Commonwealth and collect data necessary to evaluate the effectiveness and
53 appropriateness of such determinations, waivers and exemptions;

54 4. Provide state and local procurement officials, members of the vendor community, and
55 citizens with a forum to address their concerns regarding public procurement;

56 5. Monitor changes in state laws relating to public procurement and make
57 recommendations for changes in such laws to the General Assembly and the Governor;

58 6. Request from any agency or institution of state or local government such assistance,
59 services and information as will enable the Council to effectively carry out its responsibilities. If
60 requested by the Council, information provided to the Council by an agency or institution of state
61 or local government shall not be released to any other party unless authorized by such agency or
62 institution; and

63 7. Report annually on or before December 1 of each year on its activities and findings
64 regarding the laws governing public procurement in the Commonwealth.

65 **§ 30-3XX. Staff.**

66 The Council may appoint and employ and, at pleasure remove, an executive director and
67 such other persons as it deems necessary; and to determine their duties and fix their salaries or
68 compensation within the amounts appropriated therefor.

69 **§ 30-4XX. Cooperation of state and local public bodies.**

70 A. Every department, division, board, bureau, commission, institution, authority or
71 political subdivision of the Commonwealth required to make written determinations regarding
72 methods of procurement or have statutory waivers and related exemptions from the laws
73 governing public procurement in the Commonwealth shall at least annually report their activities
74 to the Council on a form provided by the Council

75 B. Every department, division, board, bureau, commission, institution, authority or
76 political subdivision of the Commonwealth shall cooperate with, and provide such assistance to,
77 the Council as the Council may request.

78 **2. That the provisions of this act shall expire on July 1, 2020.**

79 #