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HOUSE JOINT RESOLUTION NO. 5

Offered January 12, 2000

Prefiled December 16, 1999

Requesting the Joint Legislative Audit and Review Commission to study the practices, policies, and procedures used by the Metropolitan Washington Airports Authority in contracting for goods and services.

Patron—Marshall

Referred to Committee on Rules

WHEREAS, in Chapter 598 of the 1985 Acts of Assembly, the Virginia General Assembly established the Metropolitan Washington Airports Authority (MWAA) for the purpose of "acquiring, operating, maintaining, developing, promoting and protecting Ronald Reagan Washington National Airport and Washington Dulles International Airport together as primary airports for public purposes serving the metropolitan Washington area"; and

WHEREAS, § 23 of the MWAA's charter explicitly exempts the Authority from the Virginia Public Procurement Act; and

WHEREAS, although § 24 of the same act provides that the act "shall be liberally construed," because it is "necessary for the welfare of the Commonwealth of Virginia and its inhabitants," it is unclear to what extent, if any, the Authority is exempt from other laws of Virginia governing its procurement of goods and services; and

WHEREAS, it would appear that the same concern for the welfare of the Commonwealth of Virginia and its inhabitants that gives rise to a need for liberal construction of the MWAA charter no less cogently suggests that the provisions of the Virginia Administrative Process Act and the Virginia Freedom of Information Act should apply to the Authority's general operations, particularly its contracting for goods and services; and

WHEREAS, it would similarly appear that abundant arguments can made for the reconsideration of MWAA's exemption from the Virginia Public Procurement Act; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be requested (i) to study the practices, policies, and procedures used by the Metropolitan Washington Airports Authority in contracting for goods and services, (ii) to determine the desirability and feasibility of making the Authority's practices, policies, and procedures relating to contracts for goods and services subject to the Virginia Administrative Process Act, the Virginia Public Procurement Act, and the Virginia Freedom of Information Act, and (iii) to recommend to the General Assembly appropriate actions to be taken and any legislation that may appear necessary or desirable to ensure that the operation of the Authority and its procurement of goods and services are conducted in a manner consistent with the public interest. In addition to its other actions taken in conducting its study, the Commission shall solicit, receive, and consider information, comments, suggestions, and complaints from persons, firms, and corporations who have entered into or sought to enter into contracts to provide goods and services to or for the Authority.

All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 2001 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

INTRODUCED

HJS