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**SENATE JOINT RESOLUTION NO. 403**  
**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
(Proposed by the House Committee on Rules  
on February 19, 2001)

(Patron Prior to Substitute—Senator Ticer)

*Requesting the Departments of General Services, Transportation, and Technology Planning, in consultation with the Joint Commission on Technology and Science, to study the methods and technologies needed to implement competitive procurement via electronic means, including electronic sealed bidding.*

WHEREAS, electronic commerce is the fastest growing segment of the United States economy; and  
WHEREAS, the Department of General Services has contracted with a service provider for the Commonwealth's electronic procurement solution, in which the Commonwealth envisions electronic contracting involving competitive sealed bidding; and

WHEREAS, the Internet and electronic commerce pose new threats and vulnerabilities to the procurement process and a lack of sufficient controls could lead to a compromised competitive sealed bidding process; and

WHEREAS, bidders expect integrity and controls in the competitive sealed bidding process, whether it be in a manual or automated environment; and

WHEREAS, the Code of Virginia defines words such as "written," "writing," and "in writing" to include electronic documents and makes electronic records and signatures legally enforceable; and

WHEREAS, the Uniform Electronic Transactions Act (§ 59.1-479 et seq.) does not resolve all issues arising from the implementation of electronic transactions, particularly where other provisions of the Code of Virginia require a specific manner of delivery; and

WHEREAS, the Virginia Public Procurement Act (§ 11-35 et seq.) contains specific requirements concerning competitive sealed bidding and competitive negotiations that fall outside of the provisions of the Uniform Electronic Transactions Act; and

WHEREAS, the requirements under the Virginia Public Procurement Act and the move toward electronic bidding will significantly impact the operations and procurement processes of major purchasers such as the Department of Transportation; and

WHEREAS, the Auditor of Public Accounts, in his study of electronic commerce as required by Senate Joint Resolution 72 of the 2000 Session and as reported via Senate Document 10 of 2001, recommends that the Departments of General Services, Transportation, and Technology Planning study methods and technologies that the Commonwealth can use to implement electronic sealed bids and determine whether there are any modifications needed to existing sections of the Code of Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Departments of General Services, Transportation, and Technology Planning, in consultation with the Joint Commission on Technology and Science, be requested to study the methods and technologies needed to implement competitive procurement via electronic means, including electronic sealed bidding. In conducting this study, each Department shall also determine and recommend any changes to the provisions of the Code of Virginia that are specific to that Department and are necessary to accommodate that Department's electronic competitive procurement, in light of the provisions of the Uniform Electronic Transactions Act under § 59.1-486 of the Code of Virginia.

All agencies of the Commonwealth shall provide assistance to the Departments of General Services, Transportation, and Technology Planning for this study, upon request.

The Departments of General Services, Transportation, and Technology Planning shall complete their work in time to submit their findings and recommendations by November 30, 2001, to the Governor and the 2002 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

HOUSE SUBSTITUTE

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