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HOUSE JOINT RESOLUTION NO. 93

Offered January 14, 2004

Prefiled January 12, 2004

Establishing a joint subcommittee to study the Virginia Public Procurement Act. Report.

Patrons—Amundson, Albo, Plum and Scott, J.M.; Senator: Mims

Referred to Committee on Rules

WHEREAS, by Chapter 647 of the 1982 Acts of Assembly, the General Assembly created the Virginia Public Procurement Act (VPPA) (§ 2.2-4300 et seq. of the Code of Virginia); and

WHEREAS, the purpose of the VPPA is to enunciate the public policies pertaining to governmental procurement from nongovernmental sources and to regulate the procurement of goods, services, and construction by state and local public bodies; and

WHEREAS, it was the intent of the General Assembly in enacting the VPPA that public bodies in the Commonwealth would obtain high-quality goods and services at reasonable cost, that all procurement procedures would be conducted in a fair and impartial manner, and that all qualified vendors would have access to public business; and

WHEREAS, each year the Commonwealth spends billions of dollars on procuring goods and services ranging from prison guard uniforms to multi-million dollar information technology (IT) contracts; and

WHEREAS, although the VPPA has received repeated legislative scrutiny in recent years, these studies have not included a focused examination of state purchasing procedures, to ensure the best possible goods and services at the lowest possible cost and to identify ways that state procurement practices can strengthen Virginia's economy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study Virginia Public Procurement Act. The joint subcommittee shall consist of 13 members that include eight legislative members and three nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows: five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Privileges and Elections; two nonlegislative citizen members who are business leaders to be appointed by the Speaker of the House of Delegates; one nonlegislative citizen member who is a business leader to be appointed by the Senate Committee on Privileges and Elections; and the Secretaries of Administration and Technology or their designees to serve ex officio with voting privileges. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall examine all aspects of procurement by state public bodies, including identifying the strengths and weaknesses of state procurement, learning from other states' best procurement practices as well as commercial procurement models in the areas of lowering barriers for new market entrants and qualified small businesses while ensuring fairness and discouraging corruption, and ensuring that state agencies are making maximum use of performance-based contracting. The joint subcommittee shall also study the manner in which state agencies can promote better and more open communications with Virginia businesses about state procurement opportunities, and the manner in which state procurement can be used to strengthen Virginia businesses.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Department of General Services. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2004 interim, and the direct costs of this study shall not exceed \$8,400 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is

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59 agreed to, written authorization of both Clerks shall be required.

60 No recommendation of the joint subcommittee shall be adopted if a majority of the House members
61 or a majority of the Senate members appointed to the joint subcommittee (i) vote against the
62 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the
63 joint subcommittee.

64 The joint subcommittee shall complete its meetings by November 30, 2004, and the chairman shall
65 submit to the Division of Legislative Automated Systems an executive summary of its findings and
66 recommendations no later than the first day of the 2005 Regular Session of the General Assembly. The
67 executive summary shall state whether the joint subcommittee intends to submit to the General
68 Assembly and the Governor a report of its findings and recommendations (for publication as a
69 document). The executive summary and the report shall be submitted as provided in the procedures of
70 the Division of Legislative Automated Systems for the processing of legislative documents and reports
71 and shall be posted on the General Assembly's website.

72 Implementation of this resolution is subject to subsequent approval and certification by the Joint
73 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
74 delay the period for the conduct of the study, or authorize additional meetings during the 2004 interim.