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**HOUSE BILL NO. 1849**

Offered January 12, 2005

Prefiled January 6, 2005

*A BILL to amend and reenact §§ 2.2-1111 and 2.2-1132 of the Code of Virginia, relating to Department of General Services; state buildings; light-colored roofing and other material.*

Patrons—Eisenberg and Plum

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:****1. That §§ 2.2-1111 and 2.2-1132 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-1111. Purchases to be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and regulations of Division; exempt purchases.

A. All purchases made by any department, division, officer or agency of the Commonwealth shall be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and such regulations as the Division may prescribe.

B. The regulations adopted by the Division shall:

1. Include a purchasing plan that shall be on file at the Division and shall be available to the public upon request;

2. Require that before any public body procures any computer system, equipment or software, it shall consider whether the proposed system, equipment or software is capable of producing products that facilitate the rights of the public to access official records under the Freedom of Information Act (§ 2.2-3700 et seq.) or other applicable law;

3. Require state public bodies to procure only shielded outdoor light fixtures and provide for waivers of this requirement when the Division determines that a bona fide operational, temporary, safety or specific aesthetic need is indicated or that such fixtures are not cost effective over the life cycle of the fixtures. For the purposes of this subdivision, "shielded outdoor light fixture" means an outdoor light fixture that is (i) fully shielded so that no light rays are emitted by the installed fixture above the horizontal plane or (ii) constructed so that no more than two percent of the total luminaire lumens in the zone of 90 to 180 degrees vertical angle is permitted, if the related output of the luminaire is greater than 3200 lumens. In adopting regulations under this subdivision, the Division shall consider national standards for outdoor lighting as adopted by the Illuminating Engineering Society of North America (IESNA).

For any project initiated on or after July 1, 2003, the Virginia Department of Transportation shall design all lighting systems in accordance with current IESNA standards and recommended practices. The lighting system shall utilize fixtures that minimize glare, light trespass, and skyglow, all as defined by the IESNA, while still providing a comfortable, visually effective, safe, and secure outdoor environment in a cost-effective manner over the life cycle of the lighting system.

4. Establish the conditions under which a public body may use, as a basis for the procurement of goods and nonprofessional services, a particular vendor's contract-pricing that has been negotiated and accepted by the U.S. General Services Administration; ~~and~~

5. Establish procurement preferences for products containing recycled oil (including reprocessed and rerefined oil products) and recycled antifreeze no later than December 31, 2002; ~~and~~

*6. Require state public bodies to procure only light-colored materials for paving state parking lots and provide for waivers of this requirement when the Division determines that a bona fide operational, temporary, safety, or specific aesthetic need is indicated or that such paving materials are not cost effective over the life cycle of the materials.*

C. The Division may make, alter, amend or repeal regulations relating to the purchase of materials, supplies, equipment, nonprofessional services, and printing, and may specifically exempt purchases below a stated amount or particular agencies or specified materials, equipment, nonprofessional services, supplies and printing.

§ 2.2-1132. Administration of capital outlay construction.

The Division shall provide assistance in the administration of capital outlay construction projects set forth in the appropriation act, other than highway construction undertaken by the Department of Transportation and the acquisition or improvement of specialized cargo-handling equipment and related port infrastructure including, but not limited to, port construction, renovation, and demolition that is required in a timely manner to meet market demands to enhance commerce through the Virginia Port Authority, the review and approval of plans and specifications, and acceptance of completed projects.

59 The Division may establish standards, as needed, for construction by the Commonwealth and may,  
60 with the advice of the Attorney General, establish standard contract provisions and procedures for the  
61 procurement and administration of construction and for the procurement and administration of  
62 architectural and engineering services relating to construction, which shall be used by all departments,  
63 agencies and institutions of the Commonwealth. The standards may provide for incentive contracting that  
64 offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the  
65 Commonwealth when project costs are reduced by the contractor, without affecting project quality,  
66 during construction of the project. The fee, if any, charged by the project engineer or architect for  
67 determining the cost savings shall be paid as a separate cost and shall not be calculated as part of any  
68 cost savings.

69 *Standards established by the Division shall require the installation of light-colored roofing materials*  
70 *during construction of new state buildings and for replacement roofing on existing state buildings to*  
71 *ensure energy savings and reduce reflective heat. Such standards shall provide for waivers of this*  
72 *requirement when the Division determines that a bona fide operational, temporary, safety, or specific*  
73 *aesthetic need is indicated or that such roofing materials are not cost effective over the life cycle of the*  
74 *materials.*

75 For purposes of this section, "construction" shall include new construction, reconstruction, renovation,  
76 restoration, major repair, demolition and all similar work upon buildings and ancillary facilities owned  
77 or to be acquired by the Commonwealth. It shall not include buildings or other facilities ancillary to the  
78 use of state highways that are located within the right-of-way of any state highway, or assets for use by  
79 the Virginia Port Authority within the boundaries of property owned or leased by the Virginia Port  
80 Authority.