

12103415D

HOUSE BILL NO. 611

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact § 2.2-5513 of the Code of Virginia, relating to the Competitive Government Act.

Patrons—LeMunyon, Albo, Hodges, Kory and Morris

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-5513 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-5513. Responsibilities of Governor to ensure efficiency in government.

A. The Governor shall cause to be conducted an examination of the commercial activities that are being performed by state employees at state agencies and institutions to ensure such activities are being accomplished in the most cost-efficient and effective manner.

B. The examination required by subsection A shall be completed at least once in every two-year period and may be conducted entirely by a commercial source through a solicitation process as provided in the Virginia Public Procurement Act (§ 2.2-4300 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

C. The examination required by subsection A shall consider at least three document all commercial activities as the Governor or the commercial source may identify performed by the Commonwealth and the results shall be posted on the Governor's website and published in the Virginia Register coincident with the notice required by subsection D. Any changes to the documented commercial activities shall be accompanied by an explanation.

D. Public notice of the examination shall be given in the Virginia Register, which notice shall solicit comments from the public regarding the commercial activities that are being performed by state employees at state agencies and institutions that might be performed by private entities in a more cost-efficient and effective manner. All comments received shall be considered, and reasonable accommodation shall be made to permit representatives from any private entity, upon request of such entity, to meet with the appropriate state agency to discuss their comments.

Upon determination that outsourcing a commercial activity may result in reduced costs or otherwise provide a measurable benefit to the Commonwealth and to assure such activities are being accomplished in the most cost efficient and effective manner, the Governor shall cause that commercial activity to

E. Any commercial activity that is required by the Commonwealth from time to time or continuously shall be competed in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) or by using the processes described in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.), unless the head of a state agency or institution determines in writing and in each instance that outsourcing a particular commercial activity will neither result in reduced costs nor otherwise provide a measurable benefit to the Commonwealth. Such written determination shall be published in the Virginia Register within 30 days after the determination is made, stating with specificity the reason for making the determination and inviting public comment.

INTRODUCED

HB611