

17104764D

HOUSE BILL NO. 1988

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on January 26, 2017)

(Patron Prior to Substitute—Delegate Bell, John J.)

A BILL to amend and reenact § 2.2-1111 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 6 of Title 2.2 a section numbered 2.2-614.5, relating to state agencies; use of light-emitting diodes (LEDs) on outdoor lighting fixtures.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1111 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 6 of Title 2.2 a section numbered 2.2-614.5 as follows:

§ 2.2-614.5. *Light-emitting diodes used on state-owned or state-maintained property.*

A. Any state agency that installs, replaces, or maintains an outdoor lighting fixture, including street lights and area lighting, shall use light-emitting diodes (LEDs) instead of traditional incandescent light bulbs when installing new outdoor lighting fixtures or replacing nonfunctioning light bulbs on existing outdoor lighting fixtures on state-owned or state-maintained property.

B. The provisions of this section shall not apply to:

1. State agencies in instances where the chief administrative officer of such agency makes a determination that the use of LEDs is not cost efficient;

2. The Department of Transportation in instances where the Chief Engineer for the Department makes a determination that the use of LEDs is not cost efficient; or

3. The installation or replacement of light bulbs on state-owned property that is listed individually on the Virginia Landmarks Register or is certified by the Director of the Virginia Department of Historic Resources as contributing to the historic significance of a historic district that is listed on the Virginia Landmarks Register.

C. "State agency" means the same as that term is defined in § 2.2-4347.

§ 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) and shall comply with the provisions of § 2.2-614.5.

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;

5. Establish procurement preferences for products containing recycled oil (including reprocessed and rerefined oil products) and recycled antifreeze;

HOUSE SUBSTITUTE

HB1988H1

60 6. Establish conditions under which a public body shall demonstrate a good faith effort to ensure that
61 state contracts or subcontracts for goods or services that involve the manual packaging of bulk supplies
62 or the manual assemblage of goods where individual items weigh less than 50 pounds be offered to
63 employment services organizations as defined in § 2.2-4301 that offer transitional or supported
64 employment services serving individuals with disabilities;

65 7. Establish the conditions under which state public bodies may procure diesel fuel containing, at a
66 minimum, two percent, by volume, biodiesel fuel or green diesel fuel, as defined in § 59.1-284.25 as
67 such section was in effect on June 30, 2015, for use in on-road internal combustion engines. The
68 conditions shall take into consideration the availability of such fuel and the variability in cost of
69 biodiesel fuel with respect to unblended diesel fuel; and

70 8. ~~Shall include~~ *Include* a link to the Virginia Department of Agriculture and Consumer Services
71 Virginia Grown website on the Department of General Services' central electronic procurement system to
72 facilitate purchases of Virginia-grown food products.

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

77 **2. That prior to utilizing light-emitting diodes (LEDs) as required by this act, a state agency that**
78 **is subject to the provisions of this act shall be required to exhaust its existing supply of traditional**
79 **incandescent light bulbs.**

80 **3. That the provisions of this act shall apply to contracts entered into by the Department of**
81 **Transportation on or after July 1, 2018.**