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SENATE BILL NO. 652

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator McPike
on February 9, 2018)

(Patron Prior to Substitute—Senator McPike)

A BILL to amend and reenact § 2.2-1606 of the Code of Virginia, relating to the Department of Small Business and Supplier Diversity and the powers of the director related to certification.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1606 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1606. Powers of Director.

As deemed necessary or appropriate to better fulfill the duties of the Department, the Director may:

1. With the participation of other state departments and agencies, develop comprehensive plans and specific program goals for small, women-owned, and minority-owned business programs; establish regular performance monitoring and reporting systems to assure that goals of state agencies and institutions are being achieved; and evaluate the impact of federal and state support in achieving objectives.

2. Employ the necessary personnel or subcontract, according to his discretion, with localities to supplement the functions of business development organizations.

3. Assure the coordinated review of all proposed state training and technical assistance activities in direct support of small, women-owned, and minority-owned business programs to ensure consistency with program goals and to avoid duplication.

4. Convene, for purposes of coordination, meetings of the heads of departments and agencies, or their designees, whose programs and activities may affect or contribute to the purposes of this chapter.

5. Convene business leaders, educators, and other representatives of the private sector who are engaged in assisting the development of small, women-owned, and minority-owned business programs or who could contribute to their development for the purpose of proposing, evaluating, or coordinating governmental and private activities in furtherance of the objectives of this chapter.

6. Provide the managerial and organizational framework through which joint undertakings with state departments or agencies or private organizations can be planned and implemented.

7. Recommend appropriate legislative or executive actions.

8. Adopt regulations to implement certification programs for small, women-owned, and minority-owned businesses and employment services organizations, which regulations shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.) pursuant to subdivision B 2 of § 2.2-4002. Such certification programs shall allow applications for certification to be submitted by electronic means as authorized by § 59.1-496 and the applicant to affix thereto his electronic signature, as defined in § 59.1-480. Such certification programs shall deny certification to vendors from states that deny like certifications to Virginia-based small, women-owned, or minority-owned businesses and employment services organizations or that provide a preference for small, women-owned, or minority-owned businesses and employment services organizations based in that state that is not available to Virginia-based businesses. The regulations shall (i) establish minimum requirements for certification of small, women-owned, and minority-owned businesses and employment services organizations; (ii) provide a process for evaluating existing local, state, and private sector certification programs that meet the minimum requirements; and (iii) mandate certification without any additional paperwork of any small, women-owned, or minority-owned business that has obtained (a) certification under any federal certification program or (b) certification under any other certification program that is determined to meet the minimum requirements established in the regulations, and of any employment services organization that has been approved by the Department for Aging and Rehabilitative Services. *All employment services organization certifications shall remain in effect until the Department is notified by the Department for Aging and Rehabilitative Services that such organization is no longer approved.* The regulations shall also require as a prerequisite for approval that any out-of-state business applying for certification in Virginia as a small, women-owned, or minority-owned business have the equivalent certification in the business's state of origin. An out-of-state business located in a state that does not have a small, women-owned, or minority-owned business certification program shall be exempt from the requirements of this provision.

9. Establish an interdepartmental board in accordance with § 2.2-1608 to supply the Director with information useful in promoting minority business activity.

2. That the Secretary of Administration shall convene a work group of interested stakeholders to examine and make recommendations regarding modifications to state procurement policies and procedures to incentivize the competitive integrated employment of individuals with significant

60 disabilities. The work group shall include (i) one representative from the Office of the Governor;
61 (ii) two representatives from the Office of the Secretary of Administration; (iii) one representative
62 each from the Department for Aging and Rehabilitative Services, the Department for the Blind
63 and Vision Impaired, the Department of Behavioral Health and Developmental Services, and the
64 Virginia Board for People with Disabilities; (iv) the staff directors of the House Committee on
65 Appropriations and the Senate Committee on Finance, or their designees; (v) one representative of
66 the Virginia Association of Counties; (vi) one representative of the Virginia Municipal League;
67 (vii) one representative from the Virginia Business Leadership Network; (viii) one representative of
68 an employment services organization from the Virginia Association of People Supporting
69 Employment First; (ix) one representative of an employment services organization from the
70 Virginia Association of Community Rehabilitation Programs; (x) one representative of the Virginia
71 Goodwill Coalition; and (xi) two additional representatives of employment services organizations
72 that employ persons with significant disabilities in competitive integrated employment. At a
73 minimum, the work group shall review (a) current procurement policies and practices that impact
74 the employment of people with disabilities in the Commonwealth, (b) procurement policies of other
75 states that impact the employment of people with disabilities, and (c) the potential establishment
76 and responsibilities of a board with the responsibility for advising the Department of Small
77 Business and Supplier Diversity on matters related to the impact of procurement policies and
78 procedures on the employment of people with significant disabilities in the Commonwealth. The
79 Secretary of Administration shall report the findings and recommendations of the work group to
80 the Governor and General Assembly on or before July 1, 2019.