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SENATE BILL NO. 563

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 13, 2020)

(Patron Prior to Substitute—Senator Ruff)

A BILL to amend and reenact § 2.2-1110 of the Code of Virginia, relating to the Department of General Services; public posting of contract information on central electronic procurement system.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1110 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1110. Using agencies to purchase through Division of Purchases and Supply; exception.

A. Except as provided by § 2.2-2012 or otherwise directed and authorized by the Division or in the Code of Virginia, every authority, department, division, institution, officer, agency, and other unit of state government, hereinafter called the using agency, shall purchase through the Division all materials, equipment, supplies, printing and nonprofessional services of every description, whenever the whole or a part of the costs is to be paid out of the state treasury. The Division shall make such purchases in conformity with this article.

B. The Division shall maintain the Department of General Services' central electronic procurement system. At a minimum this procurement system shall provide for the purchase of goods and services; *and the public posting of all Invitations to Bid, Requests for Proposal, sole source award notices, emergency award notices, awarded contracts and modifications thereto*, and reports on purchases. All using agencies shall utilize the Department of General Services' central electronic procurement system as their purchasing system beginning at the point of requisitioning for all procurement actions, including but not limited to technology, transportation, and construction, unless otherwise authorized in writing by the Division. Where necessary to capture data in agency enterprise resource planning systems and to eliminate or avoid duplicate or manual data entry in such agency systems, using agencies shall integrate their enterprise resource planning systems with the Department of General Services' central electronic procurement system, unless otherwise authorized in writing by the Division or in accordance with the provisions of the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.).

Using agencies shall post on the Department of General Services' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, ~~and~~ emergency award notices, *and awarded contracts and modifications thereto* to ensure visibility and access to the Commonwealth's procurement opportunities on one website.

To increase transparency of governmental procurement activities, the Division shall direct all using agencies to conspicuously post on their respective homepages links to the Department of General Services' central electronic procurement system reports, thereby making them accessible to the public.

B. C. The provisions of subsection A shall not apply to the purchase of materials, equipment, supplies, printing and nonprofessional services of every description by the Virginia Retirement System; however, the Board of Trustees of the Virginia Retirement System shall adopt regulations made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) that specify policies and procedures that are based on competitive principles and that are generally applicable to procurement of such goods and services by comparably situated state agencies. The exemption provided by this subsection shall apply for only as long as such regulations, or other regulations meeting the requirements of this subsection, remain in effect at the Virginia Retirement System.

2. That any contract awarded pursuant to an Invitation to Bid or Request for Proposals on or after July 1, 2021, including any subsequent modifications to the contract by a using agency as defined in § 2.2-1110, shall be posted on the Department of General Services' central electronic procurement system. Additionally, a modification made by a using agency on or after July 1, 2021, to any other contract that has two or more years remaining shall be posted on the Department of General Services' central electronic procurement system, along with the original contract and any previous modifications.