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HOUSE BILL NO. 1032

Offered January 22, 1996

A BILL to amend and reenact §§ 11-45 and 46.2-1097 of the Code of Virginia, relating to providing child restraint devices for indigents.

Patrons—Reid, Cox and Wardrup

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That §§ 11-45 and 46.2-1097 of the Code of Virginia are amended and reenacted as follows:**

§ 11-45. Exceptions to requirement for competitive procurement.

A. Any public body may enter into contracts without competition for the purchase of goods or services (i) which are performed or produced by persons, or in schools or workshops, under the supervision of the Virginia Department for the Visually Handicapped; or (ii) which are performed or produced by nonprofit sheltered workshops or other nonprofit organizations which offer transitional or supported employment services serving the handicapped.

B. Any public body may enter into contracts without competition for (i) legal services, provided that the pertinent provisions of Chapter 11 (§ 2.1-117 et seq.) of Title 2.1 remain applicable; or (ii) expert witnesses and other services associated with litigation or regulatory proceedings.

C. Any public body may extend the term of an existing contract for services to allow completion of any work undertaken but not completed during the original term of the contract.

D. An industrial development authority may enter into contracts without competition with respect to any item of cost of "authority facilities" or "facilities" as defined in § 15.1-1374 (d).

E. The Department of Alcoholic Beverage Control may procure alcoholic beverages without competitive sealed bidding or competitive negotiation.

F. Any public body administering public assistance programs as defined in § 63.1-87, the fuel assistance program, community services boards as defined in § 37.1-1, or any public body purchasing services under the Comprehensive Services Act for At-Risk Youth and Families (§ 2.1-745 et seq.) may procure goods or personal services for direct use by the recipients of such programs without competitive sealed bidding or competitive negotiations if the procurement is made for an individual recipient. Contracts for the bulk procurement of goods or services for the use of recipients shall not be exempted from the requirements of § 11-41.

G. Any public body may enter into contracts without competitive sealed bidding or competitive negotiation for insurance if purchased through an association of which it is a member if the association was formed and is maintained for the purpose of promoting the interest and welfare of and developing close relationships with similar public bodies, provided such association has procured the insurance by use of competitive principles and provided that the public body has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding and competitive negotiation are not fiscally advantageous to the public. The writing shall document the basis for this determination.

H. The Department of Health may enter into contracts with laboratories providing cytology and related services without competitive sealed bidding or competitive negotiation if competitive sealed bidding and competitive negotiations are not fiscally advantageous to the public to provide quality control as prescribed in writing by the Commissioner of Health.

I. The Director of the Department of Medical Assistance Services may enter into contracts without competitive sealed bidding or competitive negotiation for special services provided for eligible recipients pursuant to § 32.1-325 E, provided that the Director has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding or competitive negotiation for such services is not fiscally advantageous to the public, or would constitute an imminent threat to the health or welfare of such recipients. The writing shall document the basis for this determination.

J. The Virginia Code Commission may enter into contracts without competitive sealed bidding or competitive negotiation when procuring the services of a publisher, pursuant to §§ 9-77.7 and 9-77.8, to publish the Code of Virginia or the Virginia Administrative Code.

K. The Executive Director of the Virginia Health Services Cost Review Council may enter into agreements or contracts without competitive sealed bidding or competitive negotiation for the compilation, storage, analysis, and evaluation of patient level data pursuant to Article 2 (§ 9-166.1 et seq.) of Chapter 26 of Title 9, if the Executive Director has made a determination in advance, after

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60 reasonable notice to the public and set forth in writing, that competitive sealed bidding or competitive
61 negotiation for such services is not fiscally advantageous to the public. The writing shall document the
62 basis for this determination.

63 *L. The Department of Health may procure child restraint devices, pursuant to § 46.2-1097, without*
64 *competitive sealed bidding or competitive negotiation.*

65 *§ 46.2-1097. Provisions for indigents; special fund created.*

66 Upon the application of any person to the Department of ~~Motor Vehicles~~ *Health* and a finding by the
67 Department of *Health* that the applicant needs a child restraint device but is unable to acquire one
68 because of financial inability, the Department of *Health* shall issue a certificate declaring such finding.
69 The Department of ~~Motor Vehicles~~ *Health* shall then lend or furnish the applicant a device.

70 ~~Child restraint devices referred to in this section shall be purchased by the Department of Motor~~
71 ~~Vehicles from a special fund which is hereby created and shall be known as the Child Restraint Device~~
72 ~~Special Fund. It shall consist of all civil penalties that are collected pursuant to § 46.2-1098 and other~~
73 ~~funds that may be appropriated or allocated for the purpose.~~

74 *A special fund, known as the Child Restraint Device Special Fund, shall be used by the Department*
75 *of Health to operate a program to promote, purchase, and distribute child restraint devices to*
76 *applicants who need a child restraint device, but are unable to acquire one because of financial*
77 *inability. The Department of Health shall determine the number of child restraint devices that can be*
78 *purchased by the program, based upon the amount of funds in the Child Restraint Device Special Fund,*
79 *provided, however, that the requirements of the Virginia Public Procurement Act (§ 11-35 et seq.) shall*
80 *not apply to child restraint device purchases by the Department of Health pursuant to this section. The*
81 *Child Restraint Device Special Fund shall consist of all civil penalties that are collected pursuant to*
82 *§ 46.2-1098 and other funds that may be appropriated for that purpose.*

83 **2. That the provisions of this act shall become effective on October 1, 1996.**