

VIRGINIA ACTS OF ASSEMBLY -- 2012 SESSION

CHAPTER 360

An Act to amend and reenact § 53.1-48 of the Code of Virginia, relating to correctional enterprises; exemption from mandatory purchase provisions.

[H 263]

Approved March 23, 2012

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-48 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-48. Exceptions as to purchases.

~~The Director of the Division of Purchases and Supply may exempt~~ a department, institution or agency of the Commonwealth *may be granted an exemption* from the provisions of § 53.1-47 *with the consent of both the Director of the Division of Purchases and Supply and the Chief Executive Officer of the Virginia Correctional Enterprises Program* in any case where, ~~in the opinion of the Director,~~ (i) the article so produced or manufactured does not meet the reasonable requirements of ~~such~~ the department, institution or agency, (ii) *an identical article can be obtained at a verified lesser cost from the private sector, which is evidenced by a verified request for pricing,* or (iii) the requisition made cannot be complied with on account of an insufficient supply of the articles or supplies required, or otherwise. In any case where *an exemption from the provisions of § 53.1-47 is granted as provided in this section,* the Director of Purchases and Supply ~~grants an exemption from the provisions of § 53.1-47,~~ *he and the Chief Executive Officer of the Virginia Correctional Enterprises Program* shall submit a written justification for the exemption to the Director of the Department of Corrections *and the Director of the Department of General Services.*

2. That on or before November 30, 2012, the Director of the Department of General Services and the Director of the Department of Corrections shall report to the Governor and the General Assembly on the impact of the implementation of the provisions of this act, including any cost savings to the Commonwealth, any efficiencies realized, and the impact on prisoner re-entry and safety in correctional institutions. The Departments may include in the report recommendations for improvement of the process that is the subject of this act.