

2012 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

12104454D

HOUSE BILL NO. 1222

Offered January 19, 2012

A BILL to amend § 2.2-1118, § 2.2-4344, and § 2.2-1111 to make technical changes to the procurement section to remove outdated language referring to sheltered employment.

Patron—Hope

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

That § 2.2-1118, § 2.2-4344, and § 2.2-1111 be amended and reenacted as follows:

Virginia Code - Procurement Exemptions -

"Employment services organization" means an organization that provides center-based or community-based employment services to individuals with disabilities and that is a qualified CARF accredited vendor of the Department of Rehabilitative Services.

§ 2.2-1118. Purchases from nonprofit sheltered workshops Employment Services Organizations of Virginia serving the handicapped individuals with disabilities.

A. The Division shall publish annually a list of materials, supplies, services and equipment which, in the opinion of the Division, would be beneficial to the Commonwealth to procure from a sheltered workshop an employment services organization. The list shall exclude items currently produced by schools or workshops under the supervision of the Virginia Department for the Blind and Vision Impaired or by inmates confined in state correctional institutions.

B. Any item or service included on the list required by subsection A may be purchased by the Division from nonprofit sheltered workshops employment services organizations serving the handicapped individuals with disabilities without competitive procurement, if the Division is satisfied that the items and services (i) can be purchased within ten percent of their fair market value, (ii) will be of acceptable quality, and (iii) can be produced in sufficient quantities within the time required.

C. Nothing in this section shall prohibit the Division from amending the list required under subsection A by adding categories to the list after it has been published.

§ 2.2-4344. Exemptions from competition for certain transactions.

A. Any public body may enter into contracts without competition for:

1. The purchase of goods or services that are produced or performed by:

a. Persons, or in schools or workshops, under the supervision of the Virginia Department for the Blind and Vision Impaired; or

b. Nonprofit sheltered workshops Employment services organizations or other nonprofit organizations that offer transitional or supported employment services serving the handicapped.

2. The purchase of legal services, provided that the pertinent provisions of Chapter 5 (§ 2.2-500 et seq.) of this title remain applicable, or expert witnesses or other services associated with litigation or regulatory proceedings.

B. 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 § 15.2-4902.

C. A community development authority formed pursuant to Article 6 (§ 15.2-5152 et seq.) of Chapter 51 of Title 15.2, with members selected pursuant to such article, may enter into contracts without competition with respect to the exercise of any of its powers permitted by § 15.2-5158. However, this exception shall not apply in cases where any public funds other than special assessments and incremental real property taxes levied pursuant to § 15.2-5158 are used as payment for such contract.

D. The Inspector General for Mental Health, Mental Retardation and Substance Abuse Services may enter into contracts without competition to obtain the services of licensed health care professionals or other experts to assist in carrying out the duties of the Office of the Inspector General for Department of Behavioral Health and Developmental Services.

§ 2.2-1111. Purchases to be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and regulations of the Department of General Services, Division of Purchases and Supply; exempt purchases.

B. The regulations adopted by the Division shall:

6. Establish conditions under which a public body shall demonstrate a good faith effort to ensure that state contracts or subcontracts for goods or services that involve the manual packaging of bulk supplies or the manual assemblage of goods where individual items weigh less than 50 pounds be offered to nonprofit sheltered workshops employment services organizations or other nonprofit organizations that offer transitional or supported employment services serving the handicapped individuals with disabilities.

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