

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number:** HB930

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

**2. Patron:** Davis

**3. Committee:** Passed Both Houses

**4. Title:** Virginia Public Procurement Act; procurement of information technology goods and services.

**5. Summary:** Prohibits a public body from requiring that an offeror state any exception to any liability provisions in responding to a Request for Proposal for information technology goods and services. If selected for negotiation after the proposal is submitted, the offeror must state any exception to the liability provisions in writing at the beginning of the negotiation. This bill is a recommendation of the Joint Commission on Technology and Science.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Final - Indeterminate, see Item 8.

**8. Fiscal Implications:** This legislation would prohibit public bodies from requesting offerors to state any exception to any liability provisions in responding to a Request for Proposal (RFP) for information technology goods and services. Instead, after the public body has selected those offerors deemed to be fully qualified and best suited, the offerors so selected would state any exceptions to any liability provisions contained in the RFP at the beginning of negotiations. Those exceptions would then be considered as part of the negotiations. The bill would have a direct impact on the Virginia Information Technologies Agency (VITA) in its role as the IT procurement agency for executive branch agencies, but would also impact all public bodies procuring IT goods and services under the Virginia Public Procurement Act.

To the extent exceptions to liability provisions were addressed during negotiations, additional administrative time and burden could be expected.

**9. Specific Agency or Political Subdivisions Affected:** Any entity defined as a “public body” in the Virginia Public Procurement Act, including any “legislative, executive, or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty.”

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** This bill is identical to SB150.

Date: February 29, 2016

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