

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 1-508, 1-509, 2.2-106, 2.2-1100, 2.2-1101, 2.2-1102, 2.2-1106, 2.2-1108, 2.2-1115, 2.2-1119, 2.2-1124, 2.2-1125, 2.2-1131.1, 2.2-1133, 2.2-1136, 2.2-1138, 2.2-1139, 2.2-1141 through 2.2-1144, 2.2-1146, 2.2-1147, 2.2-1150.2, 2.2-1150.3, 2.2-1151, 2.2-1153, 2.2-1155, 2.2-1156, 2.2-1157, 2.2-1162, 2.2-1163, 2.2-1164, 2.2-1168, 2.2-1172 through 2.2-1180, 2.2-1183, 2.2-1516, 2.2-1517, 2.2-1519, 2.2-4303, 2.2-4311.2, 10.1-112, 27-5.5, 30-194, 30-280, 30-385, 36-99.3, and 36-139.1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 24 of Title 2.2 an article numbered 31, consisting of a section numbered § 2.2-2499.9, relating to Department of General Services; General Services Board established; Chief Administrator.

[S 584]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 1-508, 1-509, 2.2-106, 2.2-1100, 2.2-1101, 2.2-1102, 2.2-1106, 2.2-1108, 2.2-1115, 2.2-1119, 2.2-1124, 2.2-1125, 2.2-1131.1, 2.2-1133, 2.2-1136, 2.2-1138, 2.2-1139, 2.2-1141 through 2.2-1144, 2.2-1146, 2.2-1147, 2.2-1150.2, 2.2-1150.3, 2.2-1151, 2.2-1153, 2.2-1155, 2.2-1156, 2.2-1157, 2.2-1162, 2.2-1163, 2.2-1164, 2.2-1168, 2.2-1172 through 2.2-1180, 2.2-1183, 2.2-1516, 2.2-1517, 2.2-1519, 2.2-4303, 2.2-4311.2, 10.1-112, 27-5.5, 30-194, 30-280, 30-385, 36-99.3, and 36-139.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 24 of Title 2.2 an article numbered 31, consisting of a section numbered § 2.2-2499.9, as follows:

§ 1-508. Chief Administrator of the Department of General Services to have available flags of the Commonwealth for sale.

The ~~Director~~ *Chief Administrator* of the Department of General Services shall have available at all times flags of the Commonwealth, to be offered for sale to the public in such manner as the ~~Director~~ *Chief Administrator* may determine.

Such flags shall be of good quality, shall conform to the specifications prescribed in § 1-506, shall be offered in the various sizes prescribed by the Governor pursuant to § 1-507, and shall be purchased in compliance with the provisions of § 2.2-4323.1.

The prices to be charged for such flags shall be at cost as determined by the ~~Director~~ *Chief Administrator*.

§ 1-509. When flag to be suspended over Capitol.

During the sessions of either house of the General Assembly the flag of the Commonwealth shall be kept raised over the respective chambers of the Capitol, or other place of session, if practicable, as directed by the ~~Director~~ *Chief Administrator* of the Department of General Services and the Chief of the Virginia Capitol Police in consultation with the Clerk of the House of Delegates and the Clerk of the Senate.

§ 2.2-106. Appointment of agency heads; disclosure of resumes; severance.

A. Notwithstanding any provision of law to the contrary, the Governor shall appoint the administrative head of each agency of the executive branch of state government except the:

1. Executive Director of the Virginia Port Authority;
2. Director of the State Council of Higher Education for Virginia;
3. Executive Director of the Department of Wildlife Resources;
4. Executive Director of the Jamestown-Yorktown Foundation;
5. Executive Director of the Motor Vehicle Dealer Board;
6. Librarian of Virginia;
7. Administrator of the Commonwealth's Attorneys' Services Council;
8. Executive Director of the Virginia Housing Development Authority; and
9. Executive Director of the Board of Accountancy; and
10. *Chief Administrator of the Department of General Services.*

However, the manner of selection of those heads of agencies chosen as set forth in the Constitution of Virginia shall continue without change. Each administrative head and Secretary appointed by the Governor pursuant to this section shall (i) be subject to confirmation by the General Assembly, (ii) have the professional qualifications prescribed by law, and (iii) serve at the pleasure of the Governor.

B. As part of the confirmation process for each administrative head and Secretary, the Secretary of the Commonwealth shall provide copies of the resumes and statements of economic interests filed

pursuant to § 2.2-3117 to the chairs of the House of Delegates and Senate Committees on Privileges and Elections. For appointments made before January 1, copies shall be provided to the chairs within 30 days of the appointment or by January 7 whichever time is earlier; and for appointments made after January 1 through the regular session of that year, copies shall be provided to the chairs within seven days of the appointment. Each appointee shall be available for interviews by the Committees on Privileges and Elections or other applicable standing committee. For the purposes of this section and § 2.2-107, there shall be a joint subcommittee of the House of Delegates and Senate Committees on Privileges and Elections consisting of five members of the House Committee and three members of the Senate Committee appointed by the respective chairs of the committees to review the resumes and statements of economic interests of gubernatorial appointees. The members of the House of Delegates shall be appointed in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. No appointment confirmed by the General Assembly shall be subject to challenge by reason of a failure to comply with the provisions of this subsection pertaining to the confirmation process.

C. For the purpose of this section, "agency" includes all administrative units established by law or by executive order that are not (i) arms of the legislative or judicial branches of government; (ii) institutions of higher education as classified under §§ 22.1-346, 23.1-1100, 23.1-3210, and 23.1-3216; (iii) regional planning districts, regional transportation authorities or districts, or regional sanitation districts; and (iv) assigned by law to other departments or agencies, not including assignments to secretaries under Article 7 (§ 2.2-215 et seq.) of Chapter 2 of this title.

D. The resumes and applications for appointment submitted by persons who are appointed by the Governor pursuant to this section shall be available to the public upon request.

E. Severance benefits provided to any departing agency head, whether or not appointed by the Governor, shall be publicly announced by the appointing authority prior to such departure.

§ 2.2-1100. Department of General Services; appointment of Chief Administrator; duties.

A. As used in this chapter, unless the context requires a different meaning:

"Board" means the General Services Board as established in § 2.2-2499.9.

"Chief Administrator" means the Chief Administrator of the Department.

"Department" means the Department of General Services.

B. There is created a Department of General Services (~~the Department~~), which shall be headed by a Director appointed by the Governor to serve at his pleasure *serve as the agency responsible for the administration and enforcement of the provisions of this chapter and the rules and policies of the Board.*

~~B- C. The Director of the Department Board shall appoint a Chief Administrator of the Department to serve as the chief administrative officer of the Board who shall, under the direction and control of the Governor Board, exercise the powers and perform the duties conferred or imposed upon him by law and perform such other duties as may be required by the Governor Board. The Director Chief Administrator shall be employed at the pleasure of the Board and shall be responsible for the overall supervision of the Department's divisions, programs, and personnel. Under his direction the Department shall serve as an agency whose services are primarily for the support of other state agencies in carrying out their programs. The head of each division shall, under the direction and control of the Director Chief Administrator, exercise the powers and perform the duties conferred by this chapter as they pertain to his division and perform such other duties as required by the Director Chief Administrator.~~

~~C- D. Whenever in this title and in the Code of Virginia, reference is made to a division, department, or agency transferred to this Department, it shall mean the Department of General Services, through the division to which the powers and duties of that division, department, or agency are assigned. Notwithstanding anything in this section to the contrary, the Director Chief Administrator shall have the authority to create new divisions within the Department and to assign or reassign the duties of the Department's divisions to whatever divisions as may best perform them.~~

§ 2.2-1101. Creation of internal service fund accounts.

Upon written request of the ~~Director of the Department~~ Chief Administrator, the Joint Legislative Audit and Review Commission may direct the Comptroller to establish internal service fund accounts on his books and record the receipts and expenditures for appropriate functions of the Department. The Comptroller shall provide the Department with working capital advances with which to finance these operations pursuant to appropriations made by law. Charges for services rendered sufficient to offset costs involved in these operations shall be established.

§ 2.2-1102. Additional powers of Department.

A. The Department shall have the following additional powers, all of which, with the approval of the ~~Director of the Department~~ Chief Administrator, may be exercised by a division of the Department with respect to matters assigned to that division:

1. Prescribe regulations necessary or incidental to the performance of duties or execution of powers conferred under this chapter; and

2. Establish fee schedules that may be collectible from users when general fund appropriations are not applicable to the services rendered.

B. All statewide contracts and agreements made and entered into by the Department for the purchase of computers, software, supplies, and related peripheral equipment and services shall provide for the inclusion of counties, cities, and towns in such contracts and agreements. For good cause shown, the Secretary of Administration may disapprove the inclusion from a specific contract or agreement.

C. The Department may operate or provide for the operation of hazardous waste management facilities.

§ 2.2-1106. Consolidation of other laboratories.

The ~~Director of the Department~~ *Chief Administrator* may take in and absorb within the Division any laboratory activity that is owned and operated by a political subdivision of the Commonwealth that will conform to the duties and responsibilities of the Division. Any costs that may accrue to the Commonwealth as a result of the consolidation shall be paid out of funds specifically appropriated for this purpose by the appropriation act.

§ 2.2-1108. Disposal of certain other property.

Personal property, including drugs, not subject to be disposed of under § 2.2-1107, ~~which~~ *that* has been submitted to the Division for analysis or examination and that has not been reclaimed by the agency submitting the property for analysis or examination, may be disposed of by the Division in accordance with this section if, after the expiration of 120 days after the receipt by the Division of the property, (i) the ~~Director of the Division~~ notifies the circuit court of the county or city from which the property was taken, in writing, that the analysis or examination has been completed and (ii) a report is given to the submitting agency that the property has not been reclaimed by the agency and the Division proposes to dispose of the property. The notice shall state the nature and quantity of the property, the location where seized, the name of the accused, if known, and the proposed method of disposing of the property. When the ownership of the property is known, a copy of the notice shall be sent simultaneously with the notice to the court to the owner, or, if any criminal charge is pending in any court relating to the property, the copy shall be sent to the accused at his last known address. Notice shall be by certified mail. The court, within ~~thirty~~ *30* days after receipt of the notice, may direct that the property be disposed of by the Division by an alternative method designed to preserve the property, at the expense of the agency submitting the property to the Division. If the court does not so direct within such ~~thirty-day~~ *30-day* period, then the Division may dispose of the property by the method set out in the notice. Copies of the analysis report and notice shall be made a part of the record of any criminal prosecution. The report, if sworn to, shall be admissible as evidence to the same extent as the disposed of property would have been admissible.

§ 2.2-1115. Execution of contracts; payment for purchases; violations.

A. All contracts entered into by the Division shall be executed in the name of the Commonwealth.

B. All purchases made by or through the Division shall be paid for in the same manner and out of the same funds as if the purchase had not been made by or through it.

C. The Division shall maintain a system of accounting prescribed by the State Comptroller. All moneys collected by the Division shall be paid promptly into the state treasury and reported to the State Comptroller for appropriate credit.

D. The Comptroller shall not issue any warrant upon any voucher issued by any using agency covering the purchase of any material, equipment, or supplies, when such purchases are made in violation of any provision of this article.

E. Intentional violations of the centralized purchasing provisions of this article by any using agency, continued after notice from the ~~Governor Board~~ to desist, shall constitute malfeasance in office, and shall subject the officer responsible for violation to suspension or removal from office, as may be provided by law in other cases of malfeasance.

§ 2.2-1119. Cases in which purchasing through Division not mandatory.

A. Unless otherwise ~~ordered~~ *directed* by the ~~Governor Board~~, the purchasing of materials, equipment, supplies, and nonprofessional services through the Division shall not be mandatory in the following cases:

1. Materials, equipment, and supplies incident to the performance of a contract for labor or for labor and materials;

2. Manuscripts, maps, audiovisual materials, books, pamphlets, and periodicals purchased for the use of The Library of Virginia or any other library in the Commonwealth supported in whole or in part by state funds;

3. Perishable articles, provided that no article except fresh vegetables, fish, eggs, or milk shall be considered perishable within the meaning of this subdivision, unless so classified by the Division;

4. Materials, equipment, and supplies needed by the Commonwealth Transportation Board; ~~however,~~ *this exception may include, including* office stationery and supplies, office equipment, *and* janitorial

equipment and supplies; *however, and* coal and fuel oil for heating purposes shall not be included except when authorized in writing by the Division;

5. Materials, equipment, and supplies needed by the Virginia Alcoholic Beverage Control Authority, including office stationery and supplies, office equipment, and janitorial equipment and supplies; however, coal and fuel oil for heating purposes shall not be included except when authorized in writing by the Division;

6. Binding and rebinding of the books and other literary materials of libraries operated by the Commonwealth or under its authority;

7. Printing of the records of the Supreme Court; and

8. Financial services, including without limitation, underwriters, financial advisors, investment advisors, and banking services.

B. Telecommunications and information technology goods and services of every description shall be procured as provided by § 2.2-2012.

§ 2.2-1124. Disposition of surplus materials.

A. For purposes of this section, "surplus materials" means personal property, including materials, supplies, equipment, and recyclable items, but does not include property as defined in § 2.2-1147 that is determined to be surplus. "Surplus materials" does not include finished products that a state hospital or training center operated by the Department of Behavioral Health and Developmental Services sells for the benefit of individuals receiving services in the state hospital or training center, provided that (i) most of the supplies, equipment, or products have been donated to the state hospital or training center; (ii) the individuals in the state hospital or training center have substantially altered the supplies, equipment, or products in the course of occupational or other therapy; and (iii) the substantial alterations have resulted in a finished product.

B. The Department shall establish procedures for the disposition of surplus materials from departments, divisions, institutions, and agencies of the Commonwealth. Such procedures shall:

1. Permit surplus materials to be transferred between or sold to departments, divisions, institutions, or agencies of the Commonwealth;

2. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as clinics for the indigent and uninsured that are organized for the delivery of primary health care services (i) as federally qualified health centers designated by the Health Care Financing Administration or (ii) at a reduced or sliding fee scale or without charge;

3. Permit public sales or auctions, including online public auctions;

4. Permit surplus motor vehicles to be sold prior to public sale or auction to local social service departments for the purpose of resale at cost to TANF recipients;

5. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as children's homes;

6. Permit donations to political subdivisions of the Commonwealth under the circumstances specified in this section;

7. Permit other methods of disposal when ~~(a)~~ (i) the cost of the sale will exceed the potential revenue to be derived therefrom or ~~(b)~~ (ii) the surplus material is not suitable for sale;

8. Permit any animal especially trained for police work to be sold at a price of \$1 to the handler who last was in control of the animal. The agency or institution may allow the immediate survivor of any full-time sworn law-enforcement officer who (i) is killed in the line of duty or (ii) dies in service and has at least 10 years of service to purchase the service animal at a price of \$1. Any such sale shall not be deemed a violation of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.);

9. Permit the transfer of surplus clothing to an appropriate department, division, institution, or agency of the Commonwealth for distribution to needy individuals by and through local social services boards;

10. Encourage the recycling of paper products, beverage containers, electronics, and used motor oil;

11. Require the proceeds from any sale or recycling of surplus materials be promptly deposited into the state treasury in accordance with § 2.2-1802 and report the deposit to the State Comptroller;

12. Permit donations of surplus computers and related equipment to:

a. Public schools in the Commonwealth;

b. Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and providing services to persons with disabilities, at-risk youths, or low-income families. For the purposes of this subdivision, "at-risk youths" means school-age children approved eligible to receive free or reduced price meals in the federally funded lunch program; and

c. Organizations in the Commonwealth granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code that refurbish computers and related equipment for donation to veterans and active military, naval, or air service members, as defined in § 2.2-2000.1. Any donation to an organization

under this subdivision shall be conditioned upon, and in consideration of, the organization's promise to refurbish the donated equipment and distribute it free of charge to such veterans or active military, naval, or air service members.

13. Permit surplus materials to be transferred or sold, prior to public sale or auction, to public television stations located in the state and other nonprofit organizations approved for the distribution of federal surplus materials;

14. Permit a public institution of higher education to dispose of its surplus materials at the location where the surplus materials are held and to retain any proceeds from such disposal, provided that the institution meets the conditions prescribed in subsection A of § 23.1-1002 and § 23.1-1019, regardless of whether or not the institution has been granted any authority under Article 4 (§ 23.1-1004 et seq.) of Chapter 10 of Title 23.1;

15. Permit surplus materials from (i) the Department of Defense Excess Property Program or (ii) other surplus property programs administered by the Commonwealth to be transferred or sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as an educational institution devoted to emergency management training, preparedness, and response;

16. Require, to the extent practicable, the recycling and disposal of computers and other information technology assets. Additionally, for computers or information technology assets that may contain confidential state data or personal identifying information of citizens of the Commonwealth, the Department shall ensure all policies for the transfer or other disposition of computers or information technology assets are consistent with data and information security policies developed by the Virginia Information Technologies Agency; and

17. Permit surplus materials to be sold, prior to public sale or auction, to (i) service disabled veteran-owned businesses, (ii) veterans service organizations, (iii) active military-owned businesses, and (iv) military spouse-owned businesses.

For purposes of this subdivision:

"Active military" means military service members who perform full-time duty in the Armed Forces of the United States, or a reserve component thereof, including the National Guard.

"Military spouse" means a person whose spouse is an active military, naval, or air service member or veteran as those terms are defined in § 2.2-2000.1.

"Military spouse-owned business" means a business concern that is at least 51 percent owned by one or more military spouses or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are military spouses and both the management and daily business operations are controlled by one or more individuals who are military spouses.

"Service disabled veteran" means the same as that term is defined in § 2.2-2000.1.

"Service disabled veteran-owned business" means the same as that term is defined in § 2.2-2000.1.

"Veterans service organization" means an association or other entity organized for the benefit of veterans that has been recognized by the U.S. Department of Veterans Affairs or chartered by Congress.

C. The Department shall dispose of surplus materials pursuant to the procedures established in subsection B or permit any department, division, institution, or agency of the Commonwealth to dispose of its surplus materials consistent with the procedures so established. No surplus materials shall be disposed of without prior consent of the head of the department, division, institution, or agency of the Commonwealth in possession of such surplus materials or the ~~Governor~~ Board.

D. Departments, divisions, institutions, or agencies of the Commonwealth or ~~the Governor~~ the Board may donate surplus materials only under the following circumstances:

1. Emergencies declared in accordance with § 44-146.18:2 or 44-146.28;

2. As set forth in the budget bill as defined by § 2.2-1509, provided that ~~(a)~~ (i) the budget bill contains a description of the surplus materials, the method by which the surplus materials shall be distributed, and the anticipated recipients; and ~~(b)~~ (ii) such information shall be provided by the Department to the Department of Planning and Budget in sufficient time for inclusion in the budget bill;

3. When the market value of the surplus materials, which shall be donated for a public purpose, is less than \$500; however, the total market value of all surplus materials so donated by any department, division, institution, or agency shall not exceed 25 percent of the revenue generated by such department's, division's, institution's, or agency's sale of surplus materials in the fiscal year, except these limits shall not apply in the case of surplus computer equipment and related items donated to Virginia public schools; or

4. During a local emergency, upon written request of the head of a local government or a political subdivision in the Commonwealth to the head of a department, division, institution, or agency.

E. On or before October 1 of each year, the Department shall prepare, and file with the Secretary of

the Commonwealth, a plan that describes the expected disposition of surplus materials in the upcoming fiscal year pursuant to subdivision B 6.

F. The Department may make available to any local public body of the Commonwealth the services or facilities authorized by this section; however, the furnishing of any such services shall not limit or impair any services normally rendered any department, division, institution, or agency of the Commonwealth. All public bodies shall be authorized to use the services of the Department's Surplus Property Program under the guidelines established pursuant to this section and the surplus property policies and procedures of the Department. Proceeds from the sale of the surplus property shall be returned to the local body minus a service fee. The service fee charged by the Department shall be consistent with the fee charged by the Department to state public bodies.

§ 2.2-1125. Proceeds from the sale or recycling of surplus materials.

A. The proceeds from the sale or recycling of surplus materials pursuant to § 2.2-1124 shall promptly be deposited into the state treasury and the deposit reported to the State Comptroller, along with a statement of total proceeds and the amount of the proceeds derived from the sale or recycling of surplus materials purchased in whole or in part from general fund appropriations.

B. At the end of each fiscal quarter, the State Comptroller shall (i) determine the total proceeds derived from the sale of surplus materials purchased in whole or in part from general fund appropriations and direct the State Treasurer to transfer ~~five~~ 50 percent of the total of such proceeds to the Conservation Resources Fund and (ii) provide copies of the reports furnished to him pursuant to subsection A, or summaries thereof, to the Department of Planning and Budget.

C. Based on such reports, or summaries, the Department of Planning and Budget, pursuant to its authority in the appropriation act, may increase general fund appropriations to any department, division, institution, or agency of the Commonwealth by the amount of available proceeds derived from the sale or recycling of surplus materials pursuant to § 2.2-1124. The department, division, institution, or agency of the Commonwealth may use the additional appropriations to purchase materials, supplies, or equipment, or to defray the cost of disposing of surplus materials to the extent permitted pursuant to § 2.2-1124.

D. Departments, divisions, institutions, or agencies may retain the full net profits from the sale of recycled materials, provided that a report is filed with the State Comptroller on or before October 1 of each year.

E. Departments, divisions, institutions, or agencies meeting management standards prescribed by the ~~Governor~~ Board may retain the net proceeds from the surplus materials sold pursuant to § 2.2-1124. Such retention shall be effective on July 1 following the determination that the department, division, institution, or agency meets the management standards.

§ 2.2-1131.1. Establishment of performance standards for the use of property.

A. The Department shall establish performance standards for the acquisition, lease, and disposition of property and for the management and utilization of such property at the individual agency and statewide levels to maximize the use of property for which it is held. For the purposes of this section, "property" means the same as that term is defined in § 2.2-1147.

B. The head of each state agency or institution shall ensure that property assets held by the agency on behalf of the Commonwealth are managed in accordance with the standards set by the Department. Public institutions of higher education in the Commonwealth that have delegated authority to manage aspects of their real property usage and have signed a memorandum of understanding with the Secretary of Administration related to such delegated authority shall be deemed in compliance with the standards set by the Department as long as they abide by the terms of the memorandum of understanding. Standards established in accordance with the memorandum of understanding shall be reported to the Department by October 1 of each year.

C. The Department may take appropriate actions, including assuring compliance with the standards set by the Department and entering into leasing arrangements or other contracts, to ensure that asset usage by each state agency is proper and cost effective.

D. No later than November 30 of each year, the Department shall report to the *Board, the Governor,* and the General Assembly on the implementation and effectiveness of this program.

§ 2.2-1133. Use of value engineering.

A. The Division shall ensure that value engineering is employed for any capital project costing more than \$5 million. Value engineering may also be used for any project costing \$5 million or less. For purposes of this section, "value engineering" means a systematic process of review and analysis of a capital project by a team of persons not originally involved in the project. Such team, which shall include appropriate professionals licensed in accordance with Chapter 4 (§ 54.1-400 et seq.) of Title 54.1, may offer suggestions that would improve project quality and reduce total project cost by combining or eliminating inefficient or expensive parts or steps in the original proposal or by totally redesigning the project using different technologies, materials, or methods.

B. The review developed pursuant to subsection A shall be compiled in a value engineering report and submitted to the Division. Each item included in the value engineering report shall have a status designation of accepted, declined, or accepted as modified. The Division, within 45 days, must approve the value engineering report before the project may move to the next phase of design.

C. A value engineering report shall not be required for projects that (i) are designed utilizing either the design-build or construction management at risk basis and (ii) have the value engineering process as an integral component. In such cases, a written summary of the cost savings that have been incorporated into the design shall be provided to the Division prior to moving forward to the construction phase of the contract.

D. The ~~Director of the Department~~ *Chief Administrator* may waive the requirements of this section for any proposed capital project for compelling reasons. Any waiver shall be in writing, state the reasons for the waiver, and apply only to a single capital project. On or before September 15 of each year, the ~~Director of the Department~~ *Chief Administrator* shall report to the *Board*, the Governor, and the General Assembly on the (i) number and value of the capital projects where value engineering was employed and (ii) identity of the capital projects for which a waiver of the requirements of this section was granted, including a statement of the compelling reasons for granting the waiver. The report shall cover projects completed or for which a waiver was granted within the previous fiscal year.

E. Notwithstanding any law to the contrary, the provisions of this section shall apply to public institutions of higher education in the Commonwealth.

§ 2.2-1136. Review of easements; maintenance of records; notification when lease or other agreement for branch office to terminate; report.

A. The Department shall review all deeds, leases, and contractual agreements with utilities to serve state institutions or agencies that require the approval of the Governor *or the Board*, as well as all easements and rights-of-way granted by institutions and agencies to public and private utilities.

B. The Department shall be responsible for the maintenance of records relating to property as defined in § 2.2-1147 and any other real property used or occupied by lease, license, permit, or other agreement by any state department, agency, or institution, except records relating to (i) real estate or rights-of-way acquired by the Department of Transportation for the construction of highways; (ii) ungranted shores of the sea, marsh, and meadowlands as defined in § 28.2-1500; or (iii) real estate or rights-of-way acquired by the Department of Rail and Public Transportation for the construction of railway lines or rail or public transportation facilities or the retention of rail corridors for public purposes. The Department may have such boundary, topographic, and other maps prepared as may be necessary.

C. The Department shall develop the criteria for and conduct an annual inventory of all real property referred to in subsection B for which it is responsible. Such inventory with respect to owned property shall be reviewed by the Department in developing recommendations pursuant to subsection A of § 2.2-1153. All state departments, agencies, and institutions shall cooperate with the Department and provide such data and documents as may be required to develop and maintain the records and inventory required by this section.

D. The Department shall make the inventory referred to in subsection C available on the Department's website. The description of the inventory shall include parcel identification consistent with national spatial data standards in addition to a street address as available and reported to the Department by departments, agencies, and institutions and shall include the date upon which the use or occupancy, if used or occupied by lease, license, permit, or other agreement, of the inventoried property is to terminate pursuant to the lease, license, permit, or other agreement therefor.

E. The Department shall provide a quarterly report, in electronic form, to the General Assembly that includes renewal and termination dates for inventoried property pursuant to the lease, license, permit, or other agreement administered by the Department. Such information shall include property that serves as a branch office of a state agency. The report shall include all such renewals and terminations scheduled to occur within 90 days of the report date. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. As used in this subsection, "branch office" means an office of a state agency other than its main office that assists the state agency in carrying out its statutory mission, including providing access to government services and programs.

§ 2.2-1138. Planning and construction by Division; exemption.

A. The Division of Engineering and Buildings shall, subject to written approval of the ~~Governor~~ *Board*:

1. Prepare and, when necessary to meet changing conditions, amend a long-range site plan for the location of all state buildings, and related improvements, in Capitol Square and its immediate environs, and for such other areas providing comparable facilities for the seat of government in or adjacent to the City of Richmond as the ~~Governor~~ *Board* shall direct;

2. Acquire with funds appropriated for that purpose the necessary land for effectuation of the plan;

and

3. Direct and control the execution of all authorized projects for the construction of state buildings and related improvements in or adjacent to the City of Richmond.

B. The ~~Governor~~ Board may exempt from the provisions of subsection A those buildings and improvements that, in his opinion, should be planned and constructed under the direction of other state agencies or institutions or included in site plans prepared by such other agencies or institutions.

C. No building for state use shall be erected or acquired nor other property acquired for state use, in Capitol Square and its immediate environs, or in such other areas as may be included in the site plan required by subsection A unless it has been approved by the ~~Governor~~ Board as conforming to the site plan.

§ 2.2-1139. Transfer of funds; acceptance of donations.

The Governor, *in consultation with the Board*, may transfer to the Department for use by the Division funds appropriated to any state department, agency, or institution for the construction, alteration, reconstruction, and repair of any building to be erected or acquired for the use of such department, institutional agency, or for the acquisition of land for such building, or for planning, architectural, engineering, or other studies in connection therewith, and may accept funds donated for such purposes.

§ 2.2-1141. Purchase of furniture for state buildings; repairs to buildings and furniture; surplus furniture.

The Division shall cause to be purchased through the Division of Purchases and Supply with the approval of the ~~Governor~~, Board all furniture required for the buildings within the master site plan of Capitol Square, except those assigned for use by agencies and departments. The Division shall have all repairs made to either buildings or furniture thereof, as may be approved by the ~~Governor~~ Board. The cost of the repairs and furniture shall be paid with funds approved by the ~~Governor~~ Board. The Division shall declare surplus that furniture that may no longer be satisfactorily used.

§ 2.2-1142. Furniture for Executive Mansion.

The Division shall requisition for the Executive Mansion the furniture required by the Governor, and cause to be sold such old furniture as the Governor and Board may direct, taking care not to exceed appropriated sums therefor, in addition to the proceeds of old furniture sold. An account both of the sales and purchases shall be returned to the Comptroller before any warrant shall issue for any part of the sum appropriated. The warrant shall be only so much as by the account appears to be proper.

§ 2.2-1143. Services for Capitol and other state facilities.

The Division shall contract for water, electricity, gas, sewer service, fuel for heating, and such other services required to serve the facilities within the master site plan of Capitol Square and for such other facilities as the ~~Governor~~ Board may designate. The cost of the services shall be paid out of funds appropriated for that purpose.

§ 2.2-1144. Control of Capitol Square and other property at seat of government.

A. The Division, under the direction and control of the ~~Governor~~ Board, shall have control of the Capitol Square with the expense of the maintenance and control to be paid out of the fund appropriated for that purpose. The Division shall keep the keys of the Capitol Building and shall take charge of all the rooms in the Capitol Building, except in those areas under the control of the legislature, the public grounds, and all other property at the seat of government not placed in specific charge of others. The Division shall have no control or responsibility with respect to the old and new Senate chambers, the old and new halls of the House of Delegates, the Rotunda, the offices of the Clerks of the Senate and House of Delegates, the legislative committee rooms, the enrolling office, or any other area specifically designated as legislative space. The Division shall do such work and make such repairs for the respective bodies of the General Assembly requested by the clerks thereof with appropriate reimbursement of expenses to the Division.

B. The Division shall have all the furniture and the rooms in the Capitol, other than the rooms excepted in subsection A, the open parts of the Capitol, the public grounds, and all other property at the seat of government not placed in the charge of others; kept in proper order at all times.

§ 2.2-1146. Department may lease certain state property; approval of leases by Attorney General; disposition of rentals.

The Department, with the written approval of the ~~Governor~~ Board, may lease land, buildings, and any portions thereof owned by the Commonwealth and under the control of the Department, when such land, buildings, or portions thereof are in excess of current and foreseeable needs of the Department. All such leases shall be executed in the name of the Commonwealth and shall be in a form approved by the Attorney General. The leases may run for such time as may be approved by the ~~Governor~~ Board and shall be for appropriate rental. All rentals received shall be retained by the Department and used for paying the costs of entering and administering such leases and for ~~off-setting~~ offsetting the costs of maintaining and operating the facilities under control of the Department. Notwithstanding any law to the

contrary or how title to the property was acquired, the deed or lease shall be executed on behalf of the Commonwealth by the ~~Director of the Department~~ *Chief Administrator* or his designee, and such action shall not create a cloud on the title to the property. The terms of the lease shall be subject to the written approval of the ~~Governor or his designee~~ *Board*.

§ 2.2-1147. Definitions.

As used in §§ 2.2-1136 through 2.2-1156, unless the context requires a different meaning:

"Institutions" includes, but is not limited to, any corporation owned by the Commonwealth and subject to the control of the General Assembly.

"Property" means an interest in land and any improvements thereon, including the privileges and appurtenances of every kind belonging to the land, held by the Commonwealth and under the control of or occupied by any of its departments, agencies, or institutions but does not include (i) real estate or rights-of-way acquired by the Department of Transportation for the construction of highways; (ii) ungranted shores of the sea, marsh, and meadowlands as defined in § 28.2-1500; or (iii) real estate or rights-of-way acquired by the Department of Rail and Public Transportation for the construction of railway lines or rail or public transportation facilities or the retention of rail corridors for public purposes.

"Recommend," "recommended," or "recommendation," when used with reference to a recommendation by the Department of ~~General Services~~ to the ~~Governor~~ *Board*, means to advise either for or against a proposed action.

§ 2.2-1150.2. Use of communication towers for deployment of wireless broadband services in unserved areas of the Commonwealth.

A. As used in this section:

"Qualified provider" means a provider of wireless broadband service that has obtained all governmental approvals required for the provision of wireless broadband service in the unserved area in which it seeks to provide such service.

"Unserved area" means any area within the Commonwealth that is demonstrated not to have access to terrestrial broadband or radio frequency Internet service.

"Wireless broadband service" means an Internet connection service capable of transmitting information at a rate that is not less than 256 kilobits per second in at least one direction using a wireless link between a fixed location and the Internet service provider's facility. It does not include wireless fidelity technology used in conjunction with dedicated subscriber line service or cable service to connect devices within a facility to the Internet via a broadband connection.

B. Notwithstanding any provision of § 2.2-1156 to the contrary, any state department, agency, or institution having responsibility for a state-owned communication tower in an unserved area, subject to guidelines adopted by the Department, shall lease or convey a license or other interest in the communication tower to a qualified provider in order to permit the use of the communication tower by the qualified provider in its deployment of wireless broadband service within the unserved area or portion thereof. This requirement is subject to the qualified provider presenting to the Department:

1. A spectrum and certified structural analysis of the tower that demonstrates that:

a. The new service will not interfere with current equipment;

b. No structural element is beyond 85 percent capacity based on current and previously documented future loads; and

c. The tower meets the industry standards set forth by ANSI/TIA/EIA 222-F; and

2. Proof that the tower satisfies all applicable local government requirements.

C. The Department shall adopt guidelines for (i) determining whether a provider of wireless broadband service is qualified to provide such service and (ii) requesting a state department, agency, or institution to enter into a lease or other conveyance of an interest in a communication tower or site pursuant to this section.

D. The lease or other conveyance shall be for such consideration as the ~~Director of the Department~~ *Chief Administrator* deems appropriate, which consideration shall not be required to be commensurate with the consideration paid for use of comparable space on similar towers. The lease or other conveyance may include shared use of the facilities by other political subdivisions or persons providing the same or similar services, and by departments, agencies, or institutions of the Commonwealth.

E. The provisions of § 2.2-1156 as they apply to lease agreements or conveyances of any interest shall not apply to any transaction undertaken pursuant to this section.

F. No transaction authorized by this section shall be made without the prior approval of the ~~Director of the Department~~ *Chief Administrator* and the approval of the Attorney General as to the form of any conveyancing instrument prior to execution.

§ 2.2-1150.3. Lease of state military reservation property.

A. Subject to the provisions of subsection B of § 2.2-1150, the Department of Military Affairs may convey a leasehold interest in any portion of State Military Reservation property to governmental or

private entities when it is deemed by the Adjutant General to be in the Department of Military Affairs' best interest to (i) provide necessary services such as lodging, training capabilities, or logistical utility services that support the Department's mission or (ii) maintain a peripheral buffer with compatible uses, including ground parking leases.

B. Subject to the provisions of subsection B of § 2.2-1150, the term of any leasehold interest in any portion of State Military Reservation property shall not exceed 50 years; however, any agreement may be extended upon the written recommendation of the Governor *and the Board* and the approval of the General Assembly. In the event that the Department of Military Affairs enters into any written agreement with a private individual, firm, corporation, or other entity to lease property in the possession or control of the Department pursuant to this subsection, neither the real property that is the subject of the lease nor any improvements or personal property located on the real property that is the subject of the lease shall be subject to taxation by any local government authority pursuant to § 58.1-3203, provided that the real property, improvements, or personal property is used for a purpose consistent with or supporting the Department's mission.

§ 2.2-1151. Conveyance of easements and appurtenances thereto to cable television companies, utility companies, public service companies, political subdivisions by state departments, agencies or institutions; communication towers; telecommunications companies.

A. When it is deemed to be in the public interest and subject to guidelines adopted by the Department:

1. Any state department, agency, or institution, through its executive head or governing board may convey to public utility companies, public service corporations or companies, political subdivisions, cable television companies, or telecommunications companies right-of-way easements over property owned by the Commonwealth and held in its possession and any wires, pipes, conduits, fittings, supports, and appurtenances thereto for the transmission of electricity, telephone, cable television, telecommunications, water, gas, steam, or sewage placed on, over, or under the property.

2. Any state department, agency, or institution having responsibility for a state-owned office building, through its executive head or governing board, may lease space to a credit union in the building for the purpose of providing credit union services that are readily accessible to state employees. The lease shall be for a term of not more than five years, with annual renewals or new leases permitted thereafter. Such lease may be granted for no consideration or for less than the fair market value.

3. Property owned by the Commonwealth may be sold or leased or other interests or rights therein granted or conveyed to political subdivisions or persons providing communication or information services for the purpose of erecting, operating, using, or maintaining communication towers, antennas, or other radio distribution devices. If any tower proposed to be erected on property owned by the Commonwealth is to be used solely by private persons providing communication or information services, and there is no immediate use planned or anticipated by any department, agency, or institution of the Commonwealth or political subdivision, the guidelines shall provide a means to obtain comments from the local governing body where the property is located. The conveyances shall be for such consideration as the ~~Director of the Department~~ *Chief Administrator* deems appropriate; and may include shared use of the facilities by other political subdivisions or persons providing the same or similar services, and by departments, agencies, or institutions of the Commonwealth.

B. No transaction authorized by this section shall be made without the prior written recommendation by the Department to the ~~Governor~~ *Board*, the written approval by the ~~Governor~~ *Board* of the transaction itself, and the approval by the Attorney General as to the form of the instruments prior to execution.

C. This section shall not (i) apply to any lease or conveyance of a license or other interest in a communication tower for use in the deployment of wireless broadband service within an unserved area of the Commonwealth made pursuant to § 2.2-1150.2 or (ii) be construed to alter the control or ownership of towers currently maintained by other agencies of the Commonwealth.

§ 2.2-1153. State agencies and institutions to notify Department of property not used or required; criteria.

A. Whenever any department, agency, or institution of state government possesses or has under its control state-owned or leased property that is not being used to full capacity or is not required for the programs of the department, agency, or institution, it shall so notify the Department. Such notification shall be in a form and manner prescribed by the Department. Each department, agency, and institution shall submit to the Department a land use plan for state-owned property it possesses or has under its control showing present and planned uses of such property. Such plan shall be approved by the cognizant board or governing body of the department, agency, or institution holding title to or otherwise controlling the state-owned property or the agency head in the absence of a board or governing body, with a recommendation on whether any property should be declared surplus by the department, agency, or institution. Development of such land use plans shall be based on guidelines promulgated by the

Department. The guidelines shall provide that each land use plan shall be updated and copies provided to the Department by September 1 of each year. The Department may exempt properties that are held and used for conservation purposes from the requirements of this section. The Department shall review the land use plans, the records and inventory required pursuant to subsections B and C of § 2.2-1136, and such other information as may be necessary and determine whether the property or any portion thereof should be declared surplus to the needs of the Commonwealth. By October 1 of each year, the Department shall provide a report to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations setting forth the Department's findings, the sale or marketing of properties identified pursuant to this section, and recommending any actions that may be required by the *Board*, the Governor, and the General Assembly to identify and dispose of property not being efficiently and effectively utilized. The Department shall provide a listing of surplus properties on the Department's website. The description of surplus property shall include parcel identification consistent with national spatial data standards in addition to a street address.

Until permanent disposition of the property determined to be surplus is effected, the property shall continue to be maintained by the department, agency, or institution possessing or controlling it, unless upon the recommendation of the Department, the ~~Governor~~ *Board* authorizes the transfer of the property to the possession or control of the Department. In this event, the department, agency, or institution formerly possessing or controlling the property shall have no further interest in it.

B. The Department shall establish criteria for ascertaining whether property under the control of a department, agency, or institution should be classified as "surplus" to its current or proposed needs. Such criteria shall provide that the cognizant board or governing body, if any, of the department, agency, or institution holding the title to or otherwise controlling the state-owned property, or the agency head in the absence of a board or governing body, shall approve the designation of the property as surplus.

C. Notwithstanding the provisions of subsection A:

1. The property known as College Woods, which includes Lake Matoaka and is possessed and controlled by a college founded in 1693, regardless of whether such property has been declared surplus pursuant to this section, shall not be transferred or disposed of without the approval of the board of visitors of such college by a two-thirds vote of all board members at a regularly scheduled board meeting. The General Assembly shall also approve the disposal or transfer.

2. Surplus real property valued at less than \$5 million that is possessed and controlled by a public institution of higher education may be sold by such institution, provided that (i) at least 45 days prior to executing a contract for the sale of such property, the institution gives written notification to the *Board*, the Governor, and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations; and (ii) the ~~Governor~~ *Board* may postpone the sale at any time up to 10 days prior to the proposed date of sale. Such sale may be effected by public auction, sealed bids, or by marketing through one or more Virginia licensed real estate brokers after satisfying the public notice provisions of subsection D of § 2.2-1156. The terms of all negotiations resulting in such sale shall be public information. The public institution of higher education may retain the proceeds from the sale of such property if the property was acquired by nongeneral funds. If the institution originally acquired the property through a mix of general and nongeneral funds, 50 percent of the proceeds shall be distributed to the institution and 50 percent shall be distributed to the State Park Conservation Resources Fund established under subsection A of § 10.1-202. The authority of a public institution of higher education to sell surplus real property described under this subdivision or to retain any proceeds from the sale of such property shall be subject to the institution meeting the conditions prescribed in subsection A of § 23.1-1002 and § 23.1-1019 ~~§~~, regardless of whether or not the institution has been granted any authority under Article 4 (§ 23.1-1004 et seq.) of Chapter 10 of Title 23.1).

§ 2.2-1155. Temporary transfer of use of property between state departments, agencies, and institutions; lease to private entities.

A. Whenever any department, agency, or institution of state government possesses or has under its control property for which there is an anticipated future use, but for which there is no immediate use, the department, agency, or institution of the Commonwealth may effect, subject to the written recommendation of the Department to the ~~Governor~~ *Board* and the written approval by the ~~Governor~~ *Board*, an agreement in writing with any other department, agency, or institution of state government for the use of the property by the other department, agency, or institution during a period not to exceed 15 years. The agreement may be extended beyond the 15-year period on an annual basis in accordance with the procedures prescribed in this subsection. In the event no other department, agency, or institution of state government has use for the property, the department, agency, or institution may lease the property to private individuals, firms, corporations, or other entities in accordance with the procedures and subject to the term limitations prescribed in this subsection.

B. The provisions of subsection A notwithstanding, public institutions of higher education in the Commonwealth, subject to the approval of the General Assembly, may enter into written agreements

with university-related foundations, private individuals, firms, corporations, or other entities to lease property in the possession or control of the institution. Any such agreement and proposed development or use of property shall (i) be for a purpose consistent with the educational and general mission, auxiliary enterprises, and sponsored program activities of the institution, or such other purpose as the General Assembly may authorize, and (ii) comply with guidelines adopted by the Department. The term of any agreement shall be based upon, among other things, the useful life of the improvements to the property and shall not exceed 50 years; however, any agreement may be extended upon the written recommendation of the ~~Governor~~ Board and the approval of the General Assembly. Agreements with private individuals, firms, corporations, or other entities shall also be subject to guidelines adopted by the Secretary of Finance. In the event that any public institution of higher education in the Commonwealth enters into any written agreement with a university-related foundation, private individual, firm, corporation, or other entity to lease property in the possession or control of the institution pursuant to this subsection, neither the real property that is the subject of the lease nor any improvements or personal property located on the real property that is the subject of the lease shall be subject to taxation by any local government authority pursuant to § 58.1-3203 or § 58.1-3502 or any other applicable law during the term of the lease, regardless of the ownership of the property, improvements, or personal property, provided the real property, improvements, or personal property shall be used for a purpose consistent with the educational and general mission, auxiliary enterprises, and sponsored program activities of the institution.

For the purposes of this section, "university-related foundation" means any foundation affiliated with an institution of higher education.

§ 2.2-1156. Sale or lease of surplus property and excess building space.

A. The Department shall identify real property assets that are surplus to the current and reasonably anticipated future needs of the Commonwealth and may dispose of surplus assets as provided in this section, except when a department, agency, or institution notifies the Department of a need for property that has been declared surplus, and the Department finds that stated need to be valid and best satisfied by the use of the property.

B. After it determines the property to be surplus to the needs of the Commonwealth and that such property should be sold, the Department shall request the written opinion of the Secretary of Natural and Historic Resources as to whether the property is a significant component of the Commonwealth's natural or historic resources, and if so how those resources should be protected in the sale of the property. The Secretary of Natural and Historic Resources shall provide this review within 15 business days of receipt of full information from the Department.

C. Upon receipt of the Secretary's review under subsection B and prior to offering the surplus property for sale to the public, the Department shall notify the chief administrative officer of the locality within which the property is located as well as any economic development entity for such locality of the pending disposition of such property. The chief administrative officer or local economic development entity shall have up to 180 days from the date of such notification to submit a proposal to the Department for the use by the locality or the local economic development entity of such property in conjunction with a bona fide economic development activity. The Department shall review such proposal, and if the Department determines that such proposal is viable and could benefit the Commonwealth, the Department may negotiate with the chief administrative officer or the local economic development entity for the sale of such property to the locality or economic development entity. If no agreement is reached between the Department and the chief administrative officer or the local economic development entity for the sale of the property, or if no proposal for the use of the property is submitted to the Department by the chief administrative officer or the local economic development entity within 180 days of notification of the pending disposition of the property, the Department, with the prior, written approval of the ~~Governor~~ Board, may proceed to dispose of the property as provided in this section.

D. If the surplus property is not disposed of pursuant to subsection C, the sale shall be by public auction, or sealed bids, or by marketing through one or more real estate brokers licensed by the Commonwealth. Notice of the date, time and place of sale, if by public auction or sealed bids shall be given by advertisement in at least one newspaper published and having general circulation in the county or city in which the property to be sold is located and be posted on the Department's website. At least 30 days shall elapse between publication of the notice and the auction or the date on which sealed bids will be opened.

E. The Department may reject any and all bids or offers when, in the opinion of the Department, the price is inadequate in relation to the value of the property, the proposed terms are unacceptable, or if a need has been found for the property.

F. In lieu of the sale of any such property, or in the event the Department determines there is space within a building owned by the Commonwealth or any space leased by the Commonwealth in excess of

current and reasonably anticipated needs, the Department may, with the approval of the ~~Governor Board~~, lease or sublease such property or space to any responsible person, firm, or corporation on such terms as shall be approved by the ~~Governor Board~~, provided, however, that the authority herein to sublease space leased by the Commonwealth shall be subject to the terms of the original lease. The Department may with the approval of the ~~Governor Board~~ permit charitable organizations exempt from taxation under § 501(c)(3) of the Internal Revenue Code that provide addiction recovery services to lease or sublease such property or space at cost and on such terms as shall be approved by the ~~Governor Board~~, provided such use is deemed appropriate.

The Department shall post reports from the Commonwealth's statewide electronic procurement system, known as eVA, on the Department's website. The report shall include, at a minimum, current leasing opportunities and sales of surplus real property posted on the eVA's Virginia Business Opportunities website. Such reports shall also be made available by electronic subscription. The provisions of this section requiring disposition of property through the medium of sealed bids, public auction, or marketing through licensed real estate brokers shall not apply to any lease thereof, although such procedures may be followed in the discretion of the Department.

G. The deed, lease, or sublease conveying the property or excess space shall be executed in the name of the Commonwealth and shall be in a form approved by the Attorney General. Notwithstanding any law to the contrary and notwithstanding how title to the property was acquired, the deed or lease may be executed on behalf of the Commonwealth by the ~~Director of the Department~~ *Chief Administrator* or his designee, and such action shall not create a cloud on the title to the property.

In the event that the Department determines that a boundary line of a surplus property requires adjustment, the Department may work with the adjacent landowner to adjust the boundary line and to transfer property to, or acquire property from, such adjacent landowner. In the event the Department determines that granting or accepting an easement over surplus property or the property of the adjacent landowner would facilitate the transfer of the surplus property, the Department may enter into any such easement on behalf of the department, agency, or institution in possession or control of the property, provided, however, that any such easement shall be in a form approved by the Attorney General and subject to the written approval of the ~~Governor Board~~. The terms of the sale, lease, or sublease shall be subject to the written approval of the ~~Governor Board~~.

H. An exception to sale by sealed bids, public auction, or listing the property with a licensed real estate broker may be granted by the ~~Governor Board~~ if the property is landlocked and inaccessible from a public road or highway. In such cases, the Department shall notify all adjacent landowners of the Commonwealth's desire to dispose of the property. After the notice has been given, the Department may begin negotiations for the sale of the property with each interested adjacent landowner. The Department, with the approval of the ~~Governor Board~~, may accept any offer that it deems to be fair and adequate consideration for the property. In all cases, the offer shall be the best offer made by any adjacent landowner. The terms of all negotiations shall be public information.

I. Subject to any law to the contrary, 50 percent of the proceeds from all sales or leases, or from the conveyance of any interest in property under the provisions of this article, above the costs of the transaction, which costs shall include fees or commissions, if any, negotiated with and paid to auctioneers or real estate brokers, shall be paid into the State Park Acquisition and Development Fund, so long as the sales or leases pertain to general fund agencies or the property involved was originally acquired through the general fund, except as provided in Chapter 180 of the Acts of Assembly of 1966. The remaining 50 percent of proceeds involving general fund sales or leases, less a pro rata share of any costs of the transactions, shall be deposited in the general fund of the state treasury. The Department of Planning and Budget shall develop guidelines that allow, with the approval of the Governor, any portion of the deposit in the general fund to be credited to the agency, department or institution having control of the property at the time it was determined surplus to the Commonwealth's needs. Any amounts so credited to an agency, department, or institution may be used, upon appropriation, to supplement maintenance reserve funds or capital project appropriations, or for the acquisition, construction, or improvement of real property or facilities. Net proceeds from sales or leases of special fund agency properties or property acquired through a gift for a specific purpose shall be retained by the agency or used in accordance with the original terms of the gift. Notwithstanding the foregoing, income from leases or subleases above the cost of the transaction shall first be applied to rent under the original lease and to the cost of maintenance and operation of the property. The remaining funds shall be distributed as provided herein.

J. When the Department deems it to be in the best interests of the Commonwealth, it may, with the approval of the ~~Governor Board~~, authorize the department, institution, or agency in possession or control of the property to dispose of surplus property in accordance with the procedures set forth in this section.

§ 2.2-1157. Exploration for and extraction of minerals on state-owned uplands.

A. The Department of Energy, in cooperation with the Division, shall develop, with the assistance of

affected state agencies, departments, and institutions, a State Minerals Management Plan (the Plan). The Plan shall include provisions for the holding of public hearings and the public advertising for competitive bids or proposals for mineral exploration, leasing, and extraction activities on state-owned uplands. Sales of mineral exploration permits and leases for these lands shall be administered by the Division, with the advice of the Department of Energy.

B. Upon receiving the recommendation of both the ~~Director of the Department of General Services~~ *Chief Administrator* and the Director of the Department of Energy, the Governor shall determine whether the proposed mineral exploration, leasing, or extraction of minerals on state-owned uplands is in the public interest. No state-owned uplands shall be approved for mineral exploration, leasing, or extraction without a public hearing in the locality where the affected land or the greater portion thereof is located and a competitive bid or proposal process as described in the Plan. The provisions of this section shall not apply to the extraction of minerals on state-owned uplands pursuant to an oil or gas pooling order unless the well through which the extraction will occur is situated on such land.

For purposes of this section, "state-owned uplands" means lands owned by the Commonwealth that (i) lie landward of the mean low water mark in tidal areas or (ii) have an elevation above the average surface water level in nontidal areas.

C. The agencies, departments, or institutions proposing or receiving applications for mineral exploration, leasing, or extraction on state-owned uplands shall, through their boards or commissions, recommend all such activities to the Division following guidelines set forth in the Plan. The Division and the Department of Energy shall review and recommend to the Governor such proposed activities. Such agencies, departments or institutions, through their boards or commissions, may execute the leases or contracts that have been approved by the Governor.

D. The proceeds from all such sales or leases above the costs of the sale to the Department of Energy or to the agency, department, or institution sponsoring the sale shall be paid into the general fund of the state treasury, so long as the sales or leases pertain to general fund agencies or the property involved was originally acquired through the general fund. Net proceeds from sales or leases of special-fund agency properties or property acquired through a gift shall be retained by such agency or institution or used in accordance with the original terms of the gift if so stated.

E. Mining, leasing, and extraction activities in state-owned submerged lands shall be authorized and administered by the Virginia Marine Resources Commission pursuant to Title 28.2 (§ 28.2-100 et seq.).

§ 2.2-1162. Definitions.

As used in this article.

"Asbestos" means any material containing more than one percent of the asbestiform varieties of:

1. chrysotile (serpentine),
2. crocidolite (riebeckite),
3. amosite (cummingtonite-grunerite),
4. anthophyllite,
5. tremolite, or
6. actinolite.

"Friable" means material that is capable of being crumbled, pulverized or reduced to powder by hand pressure or which under normal use or maintenance emits or can be expected to emit asbestos fibers into the air.

"Local education agency" or "LEA" means the same as that term is defined in the ~~United States~~ *U.S.* Environmental Protection Agency Asbestos Hazard and Emergency Response Act regulations set forth in 40 ~~CFR~~ *C.F.R. Part 763*.

"Operations and maintenance program" means work practices to maintain asbestos-containing material in good condition and to minimize and control disturbance or damage to such materials.

"Response actions" means any action, including removal, encapsulation, enclosure, repair, method of operation, maintenance, ~~record keeping~~ *recordkeeping*, or notification that protects human health from building materials containing asbestos.

"Secretary" means the Secretary of Administration.

§ 2.2-1163. Inspection of state-owned buildings; marking locations where asbestos found; risk abatement and estimate of cost thereof.

The ~~Director~~ *Chief Administrator* at the direction of the Secretary and in cooperation with any other appropriate agencies including but not limited to the Department of Education shall ensure that every building owned by the Commonwealth or any agency of the Commonwealth ~~which~~ *that* has not previously been inspected by competent personnel as provided below is inspected as soon as practical by competent personnel who have the training and equipment necessary to identify (i) the presence of asbestos, and (ii) to the extent practicable the relative hazard or hazards to health and safety posed at each location at which asbestos is identified. Every location at which asbestos is identified shall be clearly marked with suitably designed signs or labels. The ~~Director~~ *Chief Administrator* shall prepare an

accurate estimate of the cost of abating the risk of all asbestos so identified. The ~~Director~~ *Chief Administrator* shall also establish a list of abatement priorities, which shall include the estimated cost of abating the risk at each location on the list. To the extent that funds are available, and in accordance with the priorities established by the ~~Director~~ *Chief Administrator*, the agency or institution of the Commonwealth responsible for the maintenance of buildings at any such location shall proceed to abate the risk at such locations.

§ 2.2-1164. Standards for inspection of buildings for asbestos.

A. The ~~Director~~ *Chief Administrator*, at the direction of the Secretary and in cooperation with any other appropriate agencies, including, but not limited to, the Department of Education, shall adopt standards for the inspection of state-owned and local education agency buildings of all types and the ancillary facilities used in connection therewith for the purpose of identifying the presence of asbestos and to the extent practicable the relative hazard to health or safety posed by any asbestos identified. The Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to the adoption of standards under this section.

~~A.~~ B. The standards shall include:

1. Inspection for the presence, location, and condition of asbestos-containing materials;
2. Development of a building asbestos profile for each building inspected and found to contain asbestos-containing material, which profile shall:

(a) ~~a.~~ Include information regarding product type (surfacing material, thermal system insulation, or miscellaneous material), specific location, estimated quantity (in square or linear feet), type and percentage of asbestos content, and physical condition;

(b) ~~b.~~ Be kept in possession of the person designated pursuant to subsection ~~E~~ F, at a location in the building where it is readily accessible to building employees or their designated representatives;

(c) ~~c.~~ Be updated as surveillance, test results, and/or response actions are undertaken in the building.

~~B.~~ C. The following standards are established for state-owned buildings:

1. When air monitoring is used for building assessment, it shall be used in conjunction with comprehensive visual assessment techniques for determining the priority and nature of response action.

2. The airborne asbestos reoccupancy level, to be measured upon completion of response actions, shall be equal to the reoccupancy standards established for buildings pursuant to subsection ~~E~~ D.

~~C.~~ D. The ~~Director~~ *Chief Administrator*, in conjunction with the state Departments of Professional and Occupational Regulation, Health, Labor and Industry, Education, and Environmental Quality, shall adopt standards governing aggressive air sampling after completion of an asbestos project for airborne asbestos for local education agencies and public institutions of higher education.

~~D.~~ E. Asbestos management plans for state-owned buildings shall include:

1. Operation and maintenance programs, including procedures for the notification of maintenance and housekeeping personnel of the location of asbestos-containing materials likely to be disturbed during routine building operations; the labeling of asbestos-containing materials in routine maintenance areas; and work practices, engineering controls, or personal protective measures to minimize asbestos exposure to such personnel and other building occupants;

2. Training requirements for maintenance workers and maintenance supervisory personnel;

3. Assurance of compliance by contractors with licensing under applicable state laws and regulations; and

4. Provisions for setting priorities of buildings for response actions.

~~E.~~ F. Each person responsible for such management plans shall designate one member of the maintenance personnel in or responsible for each building containing asbestos-containing materials to serve as the liaison to coordinate the specific efforts of such program within the particular building to which the liaison is assigned.

§ 2.2-1168. Division of Support Services may be established.

The ~~Director of the Department~~ *Chief Administrator* may establish a Division of Support Services (the "Division") and assign to this Division or to any other division any or all of the duties described in this article or otherwise imposed upon the Department.

§ 2.2-1172. Parking of vehicles in Capitol Square; parking facilities for state officers and employees; violations.

A. Except as provided in this section, all parking in the Capitol Square of motor vehicles and animal-drawn vehicles is prohibited. However, during the recess of the General Assembly, the Division may cause to be marked off certain portions of the driveways in the Capitol Square and permit vehicles to be parked there under such regulations as may be prescribed. Parking areas on the west of the Capitol shall be reserved at all times for parking by members of the General Assembly.

B. During sessions of the General Assembly, parking in the Capitol Square shall be subject to rules and regulations adopted jointly by the Speaker of the House of Delegates and the chairman of the Senate Committee on Rules.

C. The Division may, with the approval of the ~~Governor Board~~, utilize any property owned by the Commonwealth and located in the Richmond area for the purpose of providing parking facilities for officers and employees of the Commonwealth, and to allocate spaces therein. The Division may fix and collect fees for the use of the parking facilities. The Division may adopt regulations for the parking facilities, which regulations shall include the enforcement provisions required by §§ 46.2-1225 through 46.2-1229.

D. Any person parking any vehicle contrary to the rules and regulations referred to in subsection B or contrary to the other provisions of this section, or contrary to any parking sign or "No Parking" sign erected by the Division pursuant to regulations adopted by it, shall be subject to a fine of not less than ~~one dollar \$1~~ nor more than ~~twenty-five dollars \$25~~ for each offense.

§ 2.2-1173. Definitions.

As used in this article:

"Centralized fleet" means those passenger-type vehicles assigned to the Department of General Services and available for use by state agencies.

"Contract rental" means a contract for the use of motor vehicles by employees for official state business within the confines of their normal work locations. This "Contract rental" does not include rental vehicles used by travelers after reaching their destination.

~~"Director" means the Director of the Department of General Services.~~

"Lease" means a contract for the use of a passenger-type vehicle for a term of more than ~~thirty~~ 30 days.

"Passenger-type vehicle" means any automobile, including sedans and station wagons, or van used primarily for the transportation of the operator and no more than ~~fifteen~~ 15 passengers.

§ 2.2-1174. Vehicles assigned to the centralized fleet.

Passenger-type vehicles purchased with public funds by any department, agency, institution, or commission of the Commonwealth, or any officer or employee on behalf of the Commonwealth, shall be assigned to the centralized fleet with the following exceptions:

1. Vehicles that have special equipment or performance requirements related to use by law-enforcement officers;
2. Vehicles for use by any elected official of the people of the Commonwealth; and
3. Such other special category of vehicles as may be excepted by the ~~Director~~ Chief Administrator.

§ 2.2-1175. Responsibilities of Chief Administrator.

The ~~Director~~ Chief Administrator shall establish an appropriate administrative unit within the Department to manage the centralized fleet. The ~~Director's~~ Chief Administrator's responsibilities for the centralized fleet shall include, but not be limited to, the following:

1. Administering the assignment of vehicles to officers and employees of the Commonwealth;
2. Managing a pool of vehicles for short-term use;
3. Purchasing vehicles necessary to the operation of the centralized fleet;
4. Repairing and maintaining vehicles;
5. Monitoring the use of vehicles and enforcing guidance documents regarding their proper use; and
6. Maintaining records related to the operation and maintenance of vehicles, and the administration of the centralized fleet.

§ 2.2-1176. Approval of purchase, lease, or contract rental of motor vehicle.

A. No motor vehicle shall be purchased, leased, or subject to a contract rental with public funds by the Commonwealth or by any officer or employee on behalf of the Commonwealth without the prior written approval of the ~~Director~~ Chief Administrator. No lease or contract rental shall be approved by the ~~Director~~ Chief Administrator except upon demonstration that the cost of such lease or contract rental plus operating costs of the vehicle shall be less than comparable costs for a vehicle owned by the Commonwealth.

Notwithstanding the provisions of this subsection, the Virginia Department of Transportation shall be exempted from the approval of purchase, lease, or contract rental of motor vehicles used directly in carrying out its maintenance, operations, and construction programs.

B. Notwithstanding other provisions of law, on or before January 1, 2012, the ~~Director~~ Chief Administrator, in conjunction with the Secretary of Administration and the Secretary of Natural and Historic Resources, shall establish a plan providing for the replacement of state-owned or operated vehicles with vehicles that operate using natural gas, electricity, or other alternative fuels, to the greatest extent practicable, considering available infrastructure, the location and use of vehicles, capital and operating costs, and potential for fuel savings. The plan shall be submitted to the ~~Governor Board~~ for his review and approval. Once the plan is so approved by the ~~Governor~~, the ~~Director~~ Chief Administrator shall implement the plan for the centralized fleet. All state agencies and institutions shall cooperate with the ~~Director~~ Chief Administrator in developing and implementing the plan.

§ 2.2-1176.1. Alternative Fuel Vehicle Conversion Fund established.

There is hereby created in the state treasury a special nonreverting fund to be known as the Alternative Fuel Vehicle Conversion Fund, hereinafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of such moneys appropriated by the General Assembly and any other funds available from donations, grants, in-kind contributions, and other funds as may be received for the purposes stated herein. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of assisting agencies of the Commonwealth with the incremental cost of state-owned alternative fuel vehicles and local government and agencies thereof and local school divisions with the incremental cost of such local government-owned alternative fuel vehicles. Moneys in the Fund may be used in conjunction with or as matching funds for any eligible federal grants for the same purpose. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the ~~Director~~ Chief Administrator.

As used in this section, "incremental cost" means the entire cost of a certified conversion of an existing vehicle to use at least one alternative fuel or the additional cost of purchasing a new vehicle equipped to operate on at least one alternative fuel over the normal cost of a similar vehicle equipped to operate on a conventional fuel such as gasoline or diesel fuel.

The ~~Director~~ Chief Administrator, in consultation with the Director of the Department of Energy, shall establish guidelines for contributions and reimbursements from the Fund for the purchase or conversion of state-owned or local government-owned vehicles.

§ 2.2-1176.2. Declaration of policy supporting cost-effective vehicle purchase and lease; total cost of ownership calculator; report.

A. It is the policy of the Commonwealth to encourage and promote the use of cost-effective vehicles by considering the total cost of ownership by agencies of the Commonwealth.

B. By October 1, 2022, the Department shall identify a publicly available total cost of ownership calculator that will be used to assess and compare the total cost to purchase, own, lease, and operate light-duty internal combustion-engine vehicles (ICEVs) versus comparable electric vehicles (EVs). Beginning on January 1, 2023, the Department and all agencies of the Commonwealth shall utilize the calculator prior to purchasing or leasing any light-duty vehicles and shall purchase or lease an EV unless the calculator clearly indicates that purchasing or leasing an ICEV has a lower cost of ownership.

1. The calculator shall, at a minimum, account for the vehicle's make, model, and age; the average miles traveled per year for similarly used vehicles; the expected life expectancy of the vehicle and average annual depreciation; the upfront and annual costs of purchasing such vehicle and all other costs of vehicle ownership or lease; and all costs the agency must incur to add chargers or other fueling facilities to support such vehicles. The calculator shall be updated at least annually to account for updates in information, including information on the latest light-duty vehicle models available.

2. The Department shall make the calculator available to all state and local public bodies and transit agencies. The Department shall also provide technical assistance to such public bodies utilizing the calculator upon request.

For purposes of this subsection, "light-duty vehicle" means a motor vehicle with a gross vehicle weight of 14,000 pounds or less.

C. Beginning January 1, 2026, and every three years thereafter, the Department shall submit to the Board, the Governor, and the General Assembly a report summarizing the Department's vehicle procurements and the vehicle procurements of other agencies of the Commonwealth. The report shall, at a minimum, include a compilation of types of vehicles by size, fuel sources, and the total estimated cost savings and avoided emissions attributable to purchasing or leasing of EVs instead of ICEVs.

D. Emergency vehicles, as defined in § 46.2-920, and any vehicles used by an agency of the Commonwealth in law-enforcement, incident response, or other emergency response activities shall be exempt from the requirements of this section. The Department may authorize other exemptions from the requirements of this section upon finding that an EV is not a practicable alternative to an ICEV for a particular use, or for some other compelling reason.

E. The Department shall develop guidance documents regarding the procedure for requesting exemptions from the requirements of this section and the criteria for evaluating such exemption requests. Before adopting or revising such guidance documents, the Department shall publish the document on its website and provide a 30-day period for public review and comment.

F. The Department may issue any directives or guidance documents or promulgate any regulations as may be necessary to implement the requirements of this section.

§ 2.2-1177. Transfer of surplus motor vehicles.

The ~~Director~~ Chief Administrator may transfer surplus motor vehicles among state agencies; and determine the value of such surplus equipment for the purpose of maintaining the financial accounts of

the state agencies affected by such transfers.

§ 2.2-1178. Use of passenger-type vehicles on an assigned basis.

A. Passenger-type vehicles assigned to the centralized fleet may be assigned to persons performing state duties only if deemed necessary by the head of the agency or institution requesting such vehicle and approved in writing by the ~~Director~~ *Chief Administrator*. Request for such vehicle shall be made in writing on forms prepared by the Department of General Services by the head of the agency or institution explaining in detail the purpose of or reason for such assignment.

B. Assignments shall be approved by the ~~Director~~ *Chief Administrator* only on the basis of one of the following criteria:

1. The vehicle shall be driven not less than the annual usage standard. The ~~Director~~ *Chief Administrator* shall promulgate a minimum mileage standard taking into account best value, industry standard practices, and the use of alternative transportation methods;

2. The vehicle shall be used by an employee whose duties are routinely related to public safety or response to life-threatening situations:

a. A law-enforcement officer as defined in § 9.1-101, with general or limited police powers;

b. An employee whose job duties require the constant use or continuous availability of specialized equipment directly related to their routine functions; or

c. An employee on 24-hour call who must respond to emergencies on a regular or continuing basis, and emergency response is normally to a location other than the employee's official work station; or

3. The vehicle shall be used for essential travel related to the transportation of clients or wards of the Commonwealth on a routine basis, or for essential administrative functions of the agency for which it is demonstrated that use of a temporary assignment or personal mileage reimbursement is neither feasible nor economical.

C. No assignment shall be for a period exceeding two years except upon review by the ~~Director~~ *Chief Administrator* as to the continued need for the assignment.

D. The use of such vehicle shall be limited to official state business.

§ 2.2-1179. Use of vehicles for commuting.

No passenger-type vehicle purchased or leased with public funds shall be used to commute between an employee's home and official work station without the prior written approval of the agency head and, in the case of vehicles assigned to the centralized fleet, the ~~Director~~ *Chief Administrator*. The ~~Director~~ *Chief Administrator* shall establish guidance documents governing such use of vehicles and shall ensure that costs associated with such use shall be recovered from employees. Employees who do not report to an official work station shall not be required to pay for travel between their homes and field sites. Guidance documents established by the ~~Director~~ *Chief Administrator* and recovery of costs shall not apply to use of vehicles by law-enforcement officers. ~~By executive order of the Governor Upon written approval of the Board,~~ such guidance documents may extend to all motor vehicles of any type owned by the Commonwealth, or such of them as the ~~Governor Board~~ may designate.

§ 2.2-1180. Guidance documents governing state-owned passenger-type vehicles.

The ~~Director~~ *Chief Administrator* may establish guidance documents for the purchase, use, storage, maintenance, repair, and disposal of all passenger-type vehicles owned by the Commonwealth and assigned to the centralized fleet. ~~By executive order of the Governor Upon written approval of the Board,~~ such guidance documents may extend to all motor vehicles of any type owned by the Commonwealth, or such of them as the ~~Governor Board~~ may designate.

If any state officer, agent, or employee fails to comply with any guidance documents of the ~~Director~~ *Chief Administrator* made pursuant to the provisions of this section, the Secretary of Administration shall be so notified, and the Comptroller shall, upon request of the Secretary, refuse to issue any warrant or warrants on account of expenses incurred, or to be incurred in the purchase, operation, maintenance, or repair of any motor vehicle now or to be in the possession or under the control of such officer, agent, or employee, or the Secretary of Administration may order the ~~Director~~ *Chief Administrator* to take possession of any such vehicle and to return or transfer it to the centralized fleet for assignment or use as prescribed by this chapter. Regulations previously promulgated by the Commonwealth Transportation Board under the authority granted by former § 33.1-407 concerning the purchase, use, storage, maintenance, repair, and disposal of all passenger-type vehicles owned by the Commonwealth and assigned to the centralized fleet shall remain in effect until the ~~Director~~ *Chief Administrator* establishes replacement guidance documents under the authority granted by this article.

§ 2.2-1183. Building standards; exemption; report.

A. Any executive branch agency or institution entering the design phase for the construction of a new building greater than 5,000 gross square feet in size, or the renovation of a building where the cost of the renovation exceeds 50 percent of the value of the building, shall ensure that such building:

1. Is designed, constructed, verified, and operated to comply with the high performance building certification program and VEES;

2. Has sufficient electric vehicle charging infrastructure. However, the provisions of this subdivision shall not apply to buildings located in the right-of-way of the Interstate System as that term is defined in § 33.2-100; and

3. Has features that permit the agency or institution to track the building's energy efficiency and associated carbon emissions, including metering of all electricity, gas, water, and other utilities.

B. Any executive branch agency or institution may exceed the design and construction standards required by subsection A, provided that such agency or institution obtains prior written approval from the ~~Director of the Department~~ *Chief Administrator*.

C. The ~~Director of the Department~~ *Chief Administrator* may grant an exemption from the design and construction standards required by subsection A upon a finding that special circumstances make the construction or renovation to the standards impracticable. Such exemption shall be made in writing and shall explain the basis for granting such exemption. If the ~~Director~~ *Chief Administrator* cites cost as a factor in granting an exemption, ~~the Director~~ *he* shall include a comparison of the cost the agency or institution will incur over the next 20 years if the agency does not comply with the standards required by subsection A versus the costs to the agency or institution if the agency or institution were to comply with such standards.

D. Each agency or institution shall submit an annual report to the ~~Governor~~ *Board* by January 1 of each year detailing the energy-efficiency and associated carbon emissions metrics for each building built or renovated in accordance with the design and construction standards required by subsection A and completed during the prior fiscal year.

§ 2.2-1516. Six-Year Capital Outlay Plan Advisory Committee.

A. There is hereby established the Six-Year Capital Outlay Plan Advisory Committee. The Advisory Committee shall consist of the following, or their designees: the Secretary of Finance, the Director of the Department of Planning and Budget, the ~~Director~~ *Chief Administrator* of the Department of General Services, the Executive Director of the State Council of Higher Education for Virginia, and the staff directors of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations.

B. 1. On or before November 1, 2008, the Advisory Committee shall submit to the Governor and the Chairman of the House Committee on Appropriations and the Chairman of the Senate Committee on Finance and Appropriations a proposed list of new capital outlay projects (and previously planned or authorized capital outlay projects) to be funded entirely or partially from general fund-supported resources for the six fiscal years beginning July 1, 2009.

2. The list shall include projects by agency, in priority order for each agency. In determining priorities, the Advisory Committee shall consider, but not be limited to, the following:

a. Projects that address safety, health, regulatory, security, environmental requirements, or accreditation;

b. Projects to upgrade or replace major mechanical systems and utility infrastructure;

c. Projects to renovate or maintain existing facilities;

d. Projects to construct, expand, or acquire facilities in order to meet programmatic needs;

e. For public institutions of higher education, projects that meet State Council of Higher Education for Virginia recommendations or guideline parameters;

f. Projects that improve energy efficiency;

g. Projects that are listed on, or eligible to be listed on, the Virginia Landmarks Register;

h. Renovation projects for which a facility condition assessment has been completed; and

i. Projects previously planned.

3. The list shall:

a. Identify each capital outlay project;

b. Describe the scope and nature of the project; and

c. Include any other information that the Advisory Committee deems useful.

C. Beginning in 2011, on or before November 1 of each year, the Advisory Committee shall make recommendations to the Governor and the Chairman of the House Committee on Appropriations and the Chairman of the Senate Committee on Finance and Appropriations of any changes to the current six-year capital outlay plan (described in § 2.2-1518) and of project funding, including adjusting the fiscal years covered by the plan so that the plan will cover the six fiscal years beginning July 1 of the following year.

§ 2.2-1517. Agency submission of information.

A. In addition to all other reporting requirements imposed upon state agencies and public educational institutions provided under law, state agencies and public educational institutions shall submit information as determined by the Advisory Committee for the initial development of the capital outlay project list as described in § 2.2-1516, as well as for the annual modifications to the six-year capital outlay plan described in § 2.2-1518. The information for the annual modifications shall include, but not

be limited to, changes in cost estimates.

B. On or before January 30 each year, the ~~Director~~ *Chief Administrator* of the Department of General Services, on behalf of the Advisory Committee, shall advise state agencies and public educational institutions of the content, format, and method established by the Advisory Committee for submitting the information described in subsection A.

C. State agencies and public educational institutions shall submit the information, in the manner prescribed by the ~~Director~~ *Chief Administrator* of the Department of General Services on behalf of the Advisory Committee pursuant to subsection B, to the Department of General Services and the Department of Planning and Budget on or before March 30 each year. In addition, public educational institutions shall submit the information to the State Council of Higher Education.

D. The Department of Planning and Budget, the Department of General Services, and the staff of the State Council of Higher Education shall review the information submitted and shall submit the information and the results of their review, in the manner prescribed by the Advisory Committee, to the Advisory Committee on or before June 30 each year.

E. On the same day that the Governor presents his preliminary report pursuant to § 2.2-813, the Advisory Committee shall meet at a time and place specified by the Secretary of Finance to consider the information provided pursuant to subsection D, as well as a capital outlay project status report, to be prepared by the ~~Director~~ *Chief Administrator* of the Department of General Services, on all active projects that have received any funding, including completed planning estimates, project bids, and project timelines. The Advisory Committee shall submit its evaluations and recommendations regarding capital outlay projects to the Governor and the General Assembly on or before November 1 each year.

§ 2.2-1519. Implementation of certain capital outlay projects.

A. 1. The Central Capital Planning Fund, the State Agency Capital Account, and the Public Educational Institution Capital Account established pursuant to § 2.2-1520 shall be used to fund capital outlay projects included in the six-year capital outlay plan enacted into law.

2. In addition, public educational institutions and state agencies may request authority and appropriation to conduct pre-planning for any such project using nongeneral fund sources. Such costs may be reimbursed up to the lesser of \$250,000 or one percent of the project construction costs.

B. A Virginia-based contractor who does not have the same number of years of comparable experience under construction management or design-build shall not be penalized for having less comparable experience in construction management or design-build projects, provided such contractor does have significant experience in constructing comparable projects under design-bid-build. The procuring entity shall consider the experience and quality of work that a contractor has done on projects comparable to the project being procured, whether under construction management, design-build, or design-bid-build. These factors shall be considered by the procuring entity in making its decisions in a pre-qualification or a contractor selection process.

C. If at any time during the detailed planning phase the total cost of a capital outlay project is estimated to exceed a threshold amount set forth in the general appropriation act for the required use of value engineering, then value engineering shall be utilized for such project. Each agency and public educational institution shall retain documentation of the value engineering process conducted for any project, including documentation relating to (i) recommendations offered to the agency or institution, (ii) recommendations accepted and rejected by the agency or institution, and (iii) any savings to the agency or institution resulting from the adoption of each recommendation.

D. For capital outlay projects for which an appropriation is made to the State Agency Capital Account or the Public Educational Institution Capital Account, after an agency or public educational institution has received authorization to move to the construction phase of a project, the Director of the Department of Planning and Budget shall transfer sufficient appropriation from the State Agency Capital Account or the Public Educational Institution Capital Account, as appropriate.

E. 1. Prior to an agency or public educational institution awarding a construction contract for a project, the ~~Director~~ *Chief Administrator* of the Department of General Services shall review the lowest bid or best proposal for the project. If the total amount of such bid or proposal, plus previously expended funds and a reasonable allowance for contingencies, does not exceed 105 percent of the general fund-supported resources for the project as determined during the detailed planning phase, the ~~Director~~ *Chief Administrator* of the Department of General Services and the Director of the Department of Planning and Budget may approve the contract. If the total amount of such bid or proposal, plus previously expended funds and a reasonable allowance for contingencies, exceeds 105 percent of the general fund-supported resources for the project, the ~~Directors~~ *Chief Administrator and the Director* shall not approve the contract unless funding of that portion of such total project cost in excess of 105 percent of the general fund-supported resources allocated to the project is from nongeneral fund sources such as private funds, gifts, grants, auxiliary funds, or federal funds as appropriate.

2. If an agency or public educational institution is unable to procure funding from nongeneral fund

sources for that portion of such total project cost in excess of 105 percent of the general fund-supported resources allocated to the project, then the agency or institution may reduce the size or scope of the project as necessary to remain within 105 percent of the general fund-supported resources allocated to the project, provided that (i) it has completed a value engineering review by or in collaboration with the Department of General Services, (ii) it has provided a written, detailed analysis of the proposed reduction to the Governor and to the Chairmen of the House Appropriations and Senate Finance and Appropriations Committees, and (iii) the project after such reduction in size or scope is substantially similar in quality and functionality to the original project.

3. An agency or public educational institution may request a supplemental allocation of general fund-supported resources through the budget process only if it submits a written certification to the Chairmen of the House Appropriations and Senate Finance and Appropriations Committees, the ~~Director~~ Chief Administrator of the Department of General Services, the Director of the Department of Planning and Budget, and, for public institutions of higher education only, the Executive Director of the State Council of Higher Education, which certification (i) states that additional funding from nongeneral fund sources as described in subdivision 1 will be insufficient to pay for the full amount of the project cost that is in excess of 105 percent of the general fund-supported resources allocated to the project and (ii) provides a detailed analysis and description of the project as modified for a reduction in size or scope as described in subdivision 2 as well as a justification for why such modifications in size or scope cannot be achieved.

4. Nothing in this section shall preclude an agency or public educational institution from providing for re-design or additional value engineering of projects or re-bidding or re-submitting of proposals.

5. No construction contract for a capital outlay project included in the six-year capital outlay plan enacted into law shall be awarded unless first approved by the ~~Director~~ Chief Administrator of the Department of General Services and the Director of the Department of Planning and Budget.

F. After a project has been approved by the ~~Director~~ Chief Administrator of the Department of General Services and the Director of the Department of Planning and Budget, the Director of the Department of Planning and Budget shall transfer to the project the remaining funds needed for construction from the State Agency Capital Account or the Public Educational Institution Capital Account, as appropriate.

Article 31.

General Services Board.

§ 2.2-2499.9. General Services Board; membership; terms; quorum; compensation; staff; powers and duties.

A. *The General Services Board (the Board) is hereby established as a supervisory board within the meaning of § 2.2-2100 in the executive branch of state government. The Board shall be responsible for the administration and enforcement of the Department of General Services and the provisions of Chapter 11 (§ 2.2-1100 et seq.).*

B. *1. The Board shall consist of nine members that include five nonlegislative citizen members and four ex officio members as follows: (i) one nonlegislative citizen member appointed by the Governor, (ii) two nonlegislative citizen members appointed by the Senate Committee on Rules, (iii) two nonlegislative citizen members appointed by the Speaker of the House of Delegates, (iv) two department or agency heads appointed by the Governor serving ex officio, (v) one department or agency head appointed by the Senate Committee on Rules serving ex officio, and (vi) one department or agency head appointed by the Speaker of the House of Delegates serving ex officio.*

2. Following the initial staggering of terms, nonlegislative citizen members shall be appointed for terms of five years. The ex officio members of the Board shall serve terms coincident with their respective terms of office and with voting privileges. Appointments to fill vacancies other than by expiration of a term shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member shall serve more than two consecutive five-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term for purposes of determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

C. *The Board shall elect its chairman and vice-chairman from among its members for two-year terms. A majority of the members shall constitute a quorum. The Board shall meet at least six times each year. The meetings of the Board shall be held at the call of the chairman or whenever the majority of the members so request.*

D. *Nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of General Services.*

E. The disclosure requirements of subsection A of § 2.2-3114 of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) shall apply to nonlegislative citizen members of the Board.

F. The Department of General Services shall serve as staff to the Board.

G. The Board shall have the power and duty to:

1. Appoint and direct the conduct of the Chief Administrator as the chief administrative officer of the Board in overseeing the operation of the Department of General Services pursuant to § 2.2-1100;

2. Adopt rules and procedures for the conduct of its business;

3. Adopt resolutions or regulations conferring upon such Chief Administrator all such powers, authorities, and duties as the Board deems necessary or proper to carry out the purposes of Chapter 11 (§ 2.2-1100 et seq.);

4. Approve or disapprove of any strategies, standards, recommendations, or actions from the Chief Administrator related to carrying out the purposes of Chapter 11 (§ 2.2-1100 et seq.); and

5. Establish rules, policies, and standards to govern the administration and enforcement of the provisions of Chapter 11 (§ 2.2-1100 et seq.).

§ 2.2-4303. Methods of procurement.

A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law. All state public bodies accepting bids or proposals for contracts pursuant to this chapter shall provide an option to submit bids or proposals through the Commonwealth's statewide electronic procurement system, known as eVA. The ~~Director~~ Chief Administrator of the Department of General Services, or his designee, may grant an exemption from such requirement at the request of a state public body and upon a showing of good cause. Local public bodies are encouraged to use eVA to offer an electronic submission option.

B. Professional services shall be procured by competitive negotiation.

C. Goods, services other than professional services, and insurance may be procured by competitive sealed bidding or competitive negotiation.

Upon a written determination made in advance by (i) the ~~Governor or his designee~~ General Services Board in the case of a procurement by the Commonwealth or by a department, agency, or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services set forth in § 2.2-4302.2. The basis for this determination shall be documented in writing.

D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances:

1. By any public body on a fixed price design-build basis or construction management basis as provided in Chapter 43.1 (§ 2.2-4378 et seq.); or

2. By any public body for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic

procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for:

1. Goods and services other than professional services and non-transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed \$200,000; and

2. Transportation-related construction, if the aggregate or sum of all phases is not expected to exceed \$25,000.

However, such small purchase procedures shall provide for competition wherever practicable.

Such purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$80,000.

Where small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.

For state public bodies, informal solicitations conducted under this subsection shall require the posting of a public notice on the Department of General Services' central electronic procurement website. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

H. Upon a determination made in advance by a public body and set forth in writing that the purchase of goods, products, or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. Purchase of information technology and telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any authority, department, agency, or institution of the Commonwealth if approved by the Chief Information Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.

I. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

§ 2.2-4311.2. Compliance with state law; foreign and domestic businesses authorized to transact business in the Commonwealth.

A. All public bodies shall include in every written contract a provision that a contractor organized as a stock or nonstock corporation, limited liability company, business trust, or limited partnership or registered as a registered limited liability partnership shall be authorized to transact business in the Commonwealth as a domestic or foreign business entity if so required by Title 13.1 or Title 50 or as otherwise required by law.

B. Pursuant to competitive sealed bidding or competitive negotiation, all public bodies shall include in the solicitation a provision that requires a bidder or offeror organized or authorized to transact business in the Commonwealth pursuant to Title 13.1 or Title 50 to include in its bid or proposal the identification number issued to it by the State Corporation Commission. Any bidder or offeror that is not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50 or as otherwise required by law shall include in its bid or proposal a statement describing why the bidder or offeror is not required to be so authorized.

C. Any bidder or offeror described in subsection B that fails to provide the required information shall not receive an award unless a waiver of this requirement and the administrative policies and procedures established to implement this section is granted by the ~~Director~~ *Chief Administrator* of the Department of General Services or his designee or by the chief executive of a local governing body.

D. Any business entity described in subsection A that enters into a contract with a public body pursuant to this chapter shall not allow its existence to lapse or its certificate of authority or registration to transact business in the Commonwealth, if so required under Title 13.1 or Title 50, to be revoked or cancelled at any time during the term of the contract.

E. A public body may void any contract with a business entity if the business entity fails to remain in compliance with the provisions of this section.

§ 10.1-112. Capital improvement projects.

The Director is authorized to make and execute leases and contracts in the name of the

Commonwealth for the development and operation of revenue-producing capital improvement projects in Virginia state parks upon the written approval of the Governor. Prior to approval, the Governor shall consider the written recommendation of the ~~Director~~ *Chief Administrator* of the Department of General Services and the Attorney General shall review such leases and contracts as to form.

Any contract or lease for the development and operation of the capital improvement project shall be in accordance with the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.). The accepted bidder shall give a performance bond for the construction, operation, and maintenance of the project with good and sufficient surety in an amount fixed by the Director for the faithful performance of the conditions and covenants of such lease or contract.

Such lease or contract, with an initial term not exceeding 30 years, shall be subject to terms, conditions, and limitations as the Director may prescribe and may be renewed with the approval of the Director. The proceeds arising from a contract or lease executed pursuant to this section shall be paid into the State Park Conservation Resources Fund established in subsection A of § 10.1-202.

§ 27-5.5. Plans of certain state structures to be submitted to local governing bodies; access of local fire officials to state structures; corrective actions.

A. Any agency, commission, or institution of the Commonwealth engaging in the construction or renovation of a structure, the cost of which exceeds \$25,000, shall submit, prior to the initiation of such construction or renovation, preliminary and working plans and specifications to the governing body, or its designee, of the political subdivision in which the structure is or will be located, provided that such governing body has submitted a written request for such plans and specifications to the ~~Director~~ *Chief Administrator* of the Department of General Services and to such agency, commission, or institution.

B. Every agency, commission, or institution of the Commonwealth shall permit, at all reasonable hours, a local fire official reasonable access to existing structures or a structure under construction or renovation, for the purposes of performing an informational and advisory fire safety inspection. The local fire official may submit, subsequent to performing such inspection, his findings and recommendations including a list of corrective actions necessary to ensure that such structure is reasonably safe from the hazards of fire to the appropriate official of such agency, commission, or institution, the ~~Director~~ *Chief Administrator* of the Department of General Services, and the State Fire Marshal. Such agency, commission, or institution shall notify, within ~~sixty~~ 60 days of receipt of such findings and recommendations, the ~~Director~~ *Chief Administrator* of the Department of General Services, the State Fire Marshal, and the local fire official of the corrective measures taken to eliminate the hazards reported by the local fire official. The State Fire Marshal shall have the same power in the enforcement of this section as is provided for the enforcement of the Statewide Fire Prevention Code (§ 27-94 et seq.).

§ 30-194. Powers and duties of the Council; Chief Administrative Officer; annual report.

A. With regard to the architectural, historical, archeological, and landscape features of Capitol Square and antiquities contained therein, the Council shall:

1. Inventory and assess their condition;
2. Develop plans and recommendations for their maintenance and preservation and for the enhancement of their historical and architectural integrity;
3. Develop recommendations for the promotion of activities and efforts that will enhance interpretive and educational opportunities;
4. Review all plans or proposals for alterations, improvements, additions, renovations, or other disposition that is structural or architectural in nature. No implementation of such plans or proposals shall take place prior to review by the Council. The Council shall report its findings on each plan or proposal to the Governor and the agency responsible for the plan or proposal. However, the Council's Chief Administrative Officer and the ~~Director~~ *Chief Administrator* of the Department of General Services shall enter into a memorandum of agreement describing the type of plans and proposals that are of such a routine or operational nature to not require review by the Council; and

5. Review and approve all plans or proposals for alterations, improvements, additions, or renovations to, or other disposition of, any monuments, statuary, artwork, or other historical artifacts contained within the Capitol Building, including within the Rotunda, the old Senate chamber, and the old hall of the House of Delegates, and excluding the new Senate chamber and the new hall of the House of Delegates, office space, and any other area designated as legislative space that is not open to the public. Nothing in this subdivision shall apply to the personal belongings of any employee or elected or appointed official working within the Capitol Building.

B. The Council may employ a Chief Administrative Officer and determine his duties and compensation within the amounts appropriated therefor. The Chief Administrative Officer shall be qualified to carry out the duties to which he is assigned and shall work at the pleasure of the Council. The Council may also obtain such assistance as it may deem necessary, and may employ, within the amounts appropriated therefor, experts who have special knowledge of the issues before the Council.

C. The Council may enter into partnerships, joint ventures, and other collaborative relationships with organizations in furtherance of the Council's duties.

D. The Council may, unless otherwise restricted by the Governor or the General Assembly, under terms approved by the Attorney General, accept gifts and grants in furtherance of its duties. This provision shall be deemed to be in addition to and not in conflict with any other powers or authorities related to the acceptance of gifts and grants under other provisions of this Code.

E. The Council may enter into contracts in the furtherance of its duties in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

F. Neither the Council nor its staff in fulfilling their responsibilities shall act in a manner inconsistent with subsection A of § 2.2-1144.

G. The Council shall make a report on its activities and recommendations, if any, annually by December 1 to the Governor and the General Assembly. The Council shall make such further interim reports to the Governor and the General Assembly as it deems advisable or as required by the General Assembly.

§ 30-280. Submission by responsible public entities of detailed proposals for qualifying projects; exclusion of certain qualifying projects; review of detailed proposals; copies of interim and comprehensive agreements to be provided.

A. Each responsible public entity receiving detailed proposals from private entities for a qualifying project shall provide copies of such proposals to the Chairman of the Commission, the ~~chairmen~~ Chairmen of the House Committee on Appropriations, House Committee on Finance, and Senate Committee on Finance and Appropriations or their designees, and the ~~Director~~ Chief Administrator of the Department of General Services prior to entering into the negotiation of an interim or comprehensive agreement.

B. The following qualifying projects shall not be subject to review by the Commission:

1. Any proposed qualifying project with a total cost of less than \$3 million.
2. Any proposed qualifying project with a total cost of ~~more than~~ \$3 million or more but less than \$50 million for which funds have been specifically appropriated as a public-private partnership in the general appropriation act or capital construction projects that have been authorized in the appropriation act, provided such project does not increase in size more than five percent beyond the plans and justifications that were the basis of the appropriation. For any qualifying project that will be completed in phases and for which no appropriation has been made for phases other than the current phase of the project, the Commission may undertake additional reviews of such projects.

C. Within 10 days of receipt of a complete copy of the detailed proposals for a qualifying project, the Commission shall determine whether to accept or decline such proposals for review and notify the responsible public entity of its decision. If the Commission accepts a proposal for review, the findings and recommendations of the Commission shall be provided to the responsible public entity within 45 days of receiving complete copies of the detailed proposals. If no findings or recommendations are provided by the Commission to the responsible public entity within the 45-day period, the Commission shall be deemed to have no findings or recommendations. Upon acceptance for review, the responsible public entity shall provide any additional information regarding the qualifying project upon the request of the Commission, provided such information is available to or can be obtained by the responsible public entity.

D. The Commission shall review accepted detailed proposals and provide findings and recommendations to the responsible public entity, including (i) whether the terms and conditions of the proposals and proposed qualifying project create state tax-supported debt taking into consideration the specific findings of the Secretary of Finance with respect to such recommendation, (ii) an analysis of the potential financial impact of the qualifying project, (iii) a review of the policy aspects of the detailed proposals and the qualifying project, and (iv) proposed general business terms and conditions. Review by the Commission shall not be construed to constitute approval of any appropriations necessary to implement any subsequent interim or comprehensive agreement.

E. The responsible public entity shall not commence negotiation of an interim or comprehensive agreement until the Commission has submitted its recommendations or declined to accept the detailed proposals for review.

F. The responsible public entity shall submit a copy of the proposed interim or comprehensive agreement to the Commission, the ~~chairmen~~ Chairmen of the House Committee on Appropriations, House Committee on Finance, and Senate Committee on Finance and Appropriations or their designees, and the ~~Director~~ Chief Administrator of the Department of General Services at least 30 days prior to execution of the agreement along with a report describing the extent to which the Commission's recommendations were addressed in the proposed interim or comprehensive agreement.

§ 30-385. (Expires July 1, 2026) Membership; terms.

The Commission shall have a total membership of 17 members that shall consist of eight legislative

members, three nonlegislative citizen members, and six ex officio members. Members shall be appointed as follows: three members of the Senate, to be appointed by the Senate Committee on Rules; five members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one nonlegislative citizen member to be appointed by the Senate Committee on Rules; one nonlegislative citizen member to be appointed by the Speaker of the House of Delegates; and one nonlegislative citizen member to be appointed by the Governor. The Superintendent of Public Instruction, the ~~Director~~ *Chief Administrator* of the Department of General Services, the Executive Director of the Virginia Resources Authority, the State Treasurer, the President of the Board of Education, and the Director of the Department of Planning and Budget, or their respective designees, shall each serve ex officio with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

Legislative members and ex officio members of the Commission shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. Nonlegislative citizen members shall be appointed for a term of two years.

The Commission shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

§ 36-99.3. Smoke alarms and automatic sprinkler systems in institutions of higher education.

A. Buildings at institutions of higher education that contain dormitories for sleeping purposes shall be provided with battery operated or AC powered smoke alarm devices installed therein in accordance with the Building Code. All dormitories at public institutions of higher education and private institutions of higher education shall have installed and use due diligence in maintaining in good working order such alarms regardless of when the building was constructed.

B. The Board of Housing and Community Development shall promulgate regulations pursuant to § 2.2-4011 establishing standards for automatic sprinkler systems throughout all buildings at private institutions of higher education and public institutions of higher education that are (i) more than 75 feet or more than six stories high and (ii) used, in whole or in part, as dormitories to house students. Such buildings shall be equipped with automatic sprinkler systems by September 1, 1999, regardless of when such buildings were constructed.

C. The chief administrative office of the institution of higher education shall obtain a certificate of compliance with the provisions of this section from the building official of the locality in which the institution of higher education is located or, in the case of state-owned buildings, from the ~~Director~~ *Chief Administrator* of the Department of General Services.

D. The provisions of this section shall not apply to any dormitory at a military public institution of higher education that is patrolled 24 hours a day by military guards.

§ 36-139.1. Sale of real property for housing demonstration projects.

The Director is authorized to sell surplus real property belonging to the Commonwealth that is placed under the control of the Department for the purpose of establishing owner-occupied residential housing demonstration projects, with the prior written approval of the Governor or his designee, who shall first consider the written recommendation of the ~~Director~~ *Chief Administrator* of the Department of General Services. The methods, terms, and conditions of sale shall be developed in cooperation with the Department of General Services. Any contract of sale or deed of conveyance shall be approved as to form by the Attorney General or one of his deputies or assistant attorneys general. The proceeds from all such sales shall be handled in the manner prescribed in subsection I of § 2.2-1156.

2. That pursuant to the authority set forth in § 30-149 of the Code of Virginia, the Virginia Code Commission shall review the Code of Virginia to ensure conformity with the provisions of this act establishing the General Services Board, as created by this act, and converting the Director of the Department of General Services appointed by and serving at the pleasure of the Governor to the Chief Administrator of the Department of General Services as appointed by the General Services Board.

3. That the initial appointment of nonlegislative citizen members to the General Services Board, as created by this act, shall be staggered as follows: one member appointed by the Speaker of the House of Delegates for a term of one year, one member appointed by the Senate Committee on Rules for a term of two years, one member appointed by the Speaker of the House of Delegates for a term of three years, one member appointed by the Senate Committee on Rules for a term of four years, and one member appointed by the Governor for a term of five years.