

2022 LEGISLATION CHANGES

HB 19 Virginia Public Procurement Act; public higher educational institutions, disclosure by offerors.

Introduced by: [Hyland F. "Buddy" Fowler, Jr.](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS PASSED: ([all summaries](#))

Virginia Public Procurement Act; public institutions of higher education; disclosure required by certain offerors; civil penalty. Requires every offeror who is awarded a contract by a public institution of higher education for any construction project that has a total cost of \$5 million or more to disclose any contributions the offeror has made within the previous five-year period totaling \$25,000 or more to the public institution of higher education or any private foundation that exists solely to support the public institution of higher education. The bill provides that no protest of an award shall lie for a claim that the selected offeror was awarded a contract solely based on such offeror's contribution to the public institution of higher education. The bill imposes a \$500 civil penalty on any offeror that knowingly fails to submit the required disclosure. The provisions of the bill relating to such disclosure of gifts made by an offeror to a public institution of higher education or any private foundation that exists solely to support the public institution of higher education expire on June 30, 2027. This bill is identical to [SB 210](#).

HB 429 Virginia Public Procurement Act; architectural and professional engineering term contracting.

Introduced by: [David L. Bulova](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS PASSED: ([all summaries](#))

Virginia Public Procurement Act; architectural and professional engineering term contracting; limitations. Provides that the sum of all projects performed in an architectural and professional engineering contract term shall not exceed \$10 million, and the fee for any single project shall not exceed \$2.5 million. The bill allows a contract for multiple architectural or professional engineering projects to be renewable for up to three additional terms at the option of the public body. Current law limits the sum of all projects performed in a one-year contract term to \$750,000, with up to four additional one-year terms at the option of the public body, and limits the fee for any single project to \$150,000, with specific exceptions to those limits, including a limit for total projects for rail projects of \$5 million and for highway projects, \$8 million. The bill also removes specific agency and locality exceptions to such current limits. This bill incorporates [HB 438](#) and is identical to [SB 225](#).

HB 814 Small Business and Supplier Diversity, Department of; agency procurement enhancement plans.

Introduced by: [Luke E. Torian](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS INTRODUCED:

Department of Small Business and Supplier Diversity; agency procurement enhancement plans. Directs the Department of Small Business and Supplier Diversity to annually review and provide feedback on state agencies' plans to enhance procurement from small, women-owned, and minority-owned businesses.

2022 LEGISLATION CHANGES

HB 964 Virginia Public Procurement Act; methods of procurement, submitting bids electronically.

Introduced by: [Suhas Subramanyam](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS PASSED: ([all summaries](#))

Virginia Public Procurement Act; methods of procurement; submitting bids electronically. Provides that all state public bodies accepting bids or proposals for contracts pursuant to the Virginia Public Procurement Act shall provide an option to submit bids or proposals through the Commonwealth's electronic procurement system, known as eVA. The Director of the Department of General Services, or his designee, is authorized under the bill to grant an exemption from such requirement at the request of a state public body and upon a showing of good cause. In the bill, local public bodies are encouraged to use eVA to offer an electronic submission option. The bill has a delayed effective date of July 1, 2023.

HB 1310 Virginia Public Procurement Act; revision of procurement procedures.

Introduced by: [Irene Shin](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS PASSED HOUSE: ([all summaries](#))

Virginia Public Procurement Act; revision of procurement procedures. Provides that the Department of General Services and the Virginia Information Technologies Agency shall review and revise their procurement procedures to encourage the use of U.S. General Services Administration contracts or contracts awarded by any other agency of the United States government where appropriate.

SB 210 Virginia Public Procurement Act; public higher educational institutions, disclosure by offerors.

Introduced by: [J. Chapman Petersen](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS PASSED: ([all summaries](#))

Virginia Public Procurement Act; public institutions of higher education; disclosure required by certain offerors; civil penalty. Requires every offeror who is awarded a contract by a public institution of higher education for any construction project that has a total cost of \$5 million or more to disclose any contributions the offeror has made within the previous five-year period totaling \$25,000 or more to the public institution of higher education or any private foundation that exists solely to support the public institution of higher education. The bill provides that no protest of an award shall lie for a claim that the selected offeror was awarded a contract solely based on such offeror's contribution to the public institution of higher education. The bill imposes a \$500 civil penalty on any offeror that knowingly fails to submit the required disclosure. The provisions of the bill relating to such disclosure of gifts made by an offeror to a public institution of higher education or any private foundation that exists solely to support the public institution of higher education expire on June 30, 2027. This bill is identical to [HB 19](#).

2022 LEGISLATION CHANGES

SB 225 Virginia Public Procurement Act; architectural and professional engineering term contracting.

Introduced by: [Jeremy S. McPike](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS PASSED: ([all summaries](#))

Virginia Public Procurement Act; architectural and professional engineering term contracting; limitations. Provides that the sum of all projects performed in an architectural and professional engineering contract term shall not exceed \$10 million, and the fee for any single project shall not exceed \$2.5 million. The bill allows a contract for multiple architectural or professional engineering projects to be renewable for up to three additional terms at the option of the public body. Current law limits the sum of all projects performed in a one-year contract term to \$750,000, with up to four additional one-year terms at the option of the public body, and limits the fee for any single project to \$150,000, with specific exceptions to those limits, including a limit for total projects for rail projects of \$5 million and for highway projects, \$8 million. The bill also removes specific agency and locality exceptions to such current limits. The bill is identical to [HB 429](#).

SB 258 Virginia Public Procurement Act; bid bonds, construction contracts.

Introduced by: [John J. Bell](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS PASSED: ([all summaries](#))

Virginia Public Procurement Act; bid bonds; certain transportation-related contracts. Provides that, except in cases of emergency, all bids and proposals for certain transportation-related contracts in excess of \$350,000 and partially or wholly funded by the Commonwealth shall be accompanied by a bid bond. Current law sets the bid or proposal amount for such contracts at \$250,000.

SB 259 Virginia Public Procurement Act; performance and payment bonds.

Introduced by: [John J. Bell](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS PASSED: ([all summaries](#))

Virginia Public Procurement Act; performance and payment bonds. Requires a performance bond and payment bond to be furnished by the contractor for all nontransportation-related public construction contracts that exceed \$500,000 and all transportation-related projects that exceed \$350,000 and are partially or wholly funded by the Commonwealth. Current law only requires these bonds for certain types of contracts.

2022 LEGISLATION CHANGES

SB 416 Virginia Public Procurement Act; purchase of personal protective equipment.

Introduced by: [Bill DeSteph](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS PASSED: ([all summaries](#))

Virginia Public Procurement Act; purchase of personal protective equipment. Requires a state agency, whenever purchasing personal protective equipment (PPE) for public use, to ensure such PPE comply with all applicable federal and international certifications. The bill provides that if a state agency receives three or more bids (i) from a Virginia-based company or manufacturer or a manufacturer that uses materials or components made in Virginia or the United States or (ii) from a United States-based manufacturer that uses materials or components made in the United States, the agency may only select among those bids. The bill also provides that if a state agency is unable to purchase PPE from such company or manufacturer, it may purchase from another company or manufacturer, pending the results of independent laboratory testing of the PPE. The bill directs the Secretary of Commerce and Trade to establish a work group to make recommendations to the General Assembly regarding products other than PPE that may be necessary if a state of emergency is declared in Virginia and that state agencies should purchase with the same requirements and to report the recommendations of the work group to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology by September 1, 2022.