



COMMONWEALTH of VIRGINIA

Department of General Services Division of Purchases and Supply

Robert E. Gleason, CPPO, VCO
Director
Linwood J. Spindle, CPPO, CPPB
Deputy Director

1111 East Broad Street
P.O. Box 1199
Richmond, Virginia 23218-1199
Voice (804) 786-3842
FAX (804) 225-3707

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MEMORANDUM

TO: Purchasing Offices
Departments, Institutions, Agencies
Commonwealth of Virginia

FROM: Robert E. Gleason
Director, DPS

A handwritten signature in black ink, appearing to read 'Robert E. Gleason', written over a circular stamp or mark.

SUBJECT: Changes to the *Virginia Public Procurement Act*, Effective July 1, 2016

The 2016 session of the General Assembly made some changes to the *Virginia Public Procurement Act (VPPA)* that took effect July 1, 2016 or later. Attached is an unofficial copy of the *VPPA* incorporating those changes. Changes are indicated by an arrow (→) in the margin. After June 30, 2016, the 2015 version of the *VPPA* issued by the Division is obsolete.

The following is a brief summary of the significant changes made by the 2016 General Assembly, which are reflected in this copy. For judicial or other legal uses, consult the *Code of Virginia*.

§ 2.2-4302.1. *Process for Competitive Sealed Bidding*

Adds definition for experience modification factor and prohibits use of such as a condition of determining a successful bidder's eligibility for construction procurements.

§ 2.2-4302.2. *Process for competitive negotiation.*

Adds definition for experience modification factor and prohibits use of such as a condition of determining a successful offeror's eligibility for construction procurements

Adds for the procurement of information technology, a public body shall not require an offeror to state in a proposal any exception to any liability provisions contained in the Request for Proposal. The offeror shall state any exceptions in writing at the beginning of negotiations.

Adds for the procurement of architectural or engineering services, that a public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions unless such terms and conditions are required by statute, regulation, ordinance, or standards developed pursuant to § 2.2-1132, until after the qualified offerors are ranked for negotiations.

§ 2.2-4303. *Methods of procurement.*
Permits a public body to establish small purchase procedures for transportation-related construction, if the aggregate of sum of all phases is not expected to exceed \$25,000.

§ 2.2-4303.1. *Architectural and professional engineering term contracting; limitations.*
Adds transportation district commissions to the exception.

§ 2.2-4304. *Joint and cooperative procurement.*
Allows that a public body may now participate in, sponsor, conduct, or administer a joint procurement agreement on behalf of one or more other public bodies. Additionally allows for installation of artificial turf and track surfaces to be procured utilizing joint and cooperative contracts.

§ 2.2-4310. *Discrimination prohibited; participation of small, women-owned, minority-owned, and service disabled veteran-owned business.*
Adds employment services organization

§ 2.2-4310.1. *Awards as a result of any authorized enhancement or remedial measure; requirements.*
This is a new section. Requires state public bodies to follow any enhancement or remedial measure in the procurement process.

2.2-4310.2. *State agency's goals for participation by small businesses; requirements.*
This is a new section. Adds that state agency's shall include within their small business goals, a minimum of three percent participation by service disabled veteran businesses when contracting for information technology goods and services.

2.2-4310.3. *Fiscal data pertaining to certain enhancement or remedial measures.*
This is a new section. Requires that Department of General Services make available a dashboard of purchase order reports from eVA.

§ 2.2-4323.1. *(Effective July 1, 2017) Purchase of flags of the United States and the Commonwealth by public bodies.*

Adds requirement that the purchase of a flag of the United States or a flag of the Commonwealth for public use shall be made in the United States.