



New Laws Effective 07/01/2017

1. [§2.2-2009](#) was amended as follows: "The Chief Information Officer of the Virginia Information Technologies Agency is required to develop policies, standards, and guidelines that require that any procurement of information technology made by the Commonwealth's executive, legislative, and judicial branches and independent agencies be made in accordance with federal laws and regulations pertaining to information security and privacy." Refer to: <http://lis.virginia.gov/cgi-bin/legp604.exe?171+sum+HB2360>
2. § [2.2-4304](#) of the *Code of Virginia* "provides that a public body may purchase from the contract of the Virginia Sheriffs' Association."
3. § [2.2-4310](#) of the *Code of Virginia* "provides that any enhancement or remedial measure authorized by the Governor for state public bodies may allow for small businesses certified by the Department of Small Business and Supplier Diversity or a subcategory of small businesses established as a part of the enhancement program to have a price preference over noncertified businesses competing for the same contract award, provided that the certified small business or the business in such subcategory of small businesses does not exceed the low bid by more than five percent." This legislation allows, **but does not require**, an agency to give a price preference to a SWaM business in the evaluation criteria/scoring, so long as the SWaM business bid is within 5% of the low bid. This applies to Invitations for Bids only.
4. § [2.2-1606](#) of the *Code of Virginia* "requires, as a prerequisite for approval, that any out-of-state business applying with the Department of Small Business and Supplier Diversity for certification in Virginia as a small, women-owned, or minority-owned business possess the equivalent certification in the business's state of origin."
5. §§[2.2-1201.1](#) and [19.2-389](#) of the *Code of Virginia* "requires that each state agency take the necessary steps to record in the Personnel Management Information System or PMIS positions that it has designated as sensitive to

ensure that DHRM has a list of all such positions. The bill **clarifies** who would be subject to a criminal background investigation in a sensitive position and it **expands** the definition of sensitive position to include positions:

- (i) responsible for the health, safety, and welfare of citizens or the protection of critical infrastructures;
- (ii) that have access to sensitive information, including access to Federal Tax Information in approved exchange agreements with the Internal Revenue Service or Social Security Administration; and
- (iii) that are otherwise required by state or federal law to be designated as sensitive. The bill contains an emergency clause, meaning that it is effective immediately. The Go-live date on this was March 13th.

6. [§§8.01-390](#) of the *Code of Virginia*, "requires state agencies to provide, via a website or upon request, copies of electronic records that contain an electronic signature that electronically and visually assures that the document is authentic. An agency may charge a fee of \$5 for each digitally certified copy of a record. Such electronic signatures shall comply with standards developed by the Secretary of the Commonwealth, in cooperation with the Virginia Information Technologies Agency. Any digitally certified record submitted to a court in the Commonwealth shall be deemed to be authenticated by the custodian of the record."