

The 2013 legislative session made no changes that affected VITA's policies or the IT Procurement Manual; however, there were legislative changes affecting certain areas of Commonwealth procurement.

- **HB 1890**

- ✓ Amends §2.2-1110
- ✓ Requires all agencies using eVA to “conspicuously” post on their homepages links to EVA reports to make them more accessible to the public.
- ✓ Amends §2.2-1115.
- ✓ Requires DPS and State Comptroller to adhere to adopted data standards and match all purchases to the related payment activity and make the matched information available on the APA website.
  - Information shall be available on a transactional level so it is clear what agency has purchased, when purchased, amount and vendor.
  - DGS will supply graphics and technical information to publish the link.

- **HB 1994**

- ✓ Amends §2.2-4331 (Contract Pricing Arrangements)
- ✓ Adds that the following contract pricing arrangements shall not be prohibited by this section:
  - Policy/contract for insurance having a premium computed on the basis of claims paid or incurred plus the carrier's administrative costs and retention
  - A cost plus a percentage of the private investment made by a private entity as a basis for the procurement of commercial or financial consulting services related to a PPEA project where those services are sought to solicit or evaluate proposals.

- **HB 2079**

- ✓ Moves “competitive sealed bidding” and “competitive negotiation” from definitions section (2.2-4301) to their own sections:
- ✓ 2.2-4302.1 – Process for Competitive Sealed Bidding
- ✓ 2.2-4302.2 – Process for Competitive Negotiation
  - Cleans up competitive negotiation statute by grouping all language concerning goods and non-professional services together apart from sections\_for procurement of professional services.
- ✓ Provides “clean up” throughout VPPA referencing the new sections.
- ✓ Not effective until 7/1/14.
- ✓ Establishes a General Assembly working group to examine the VPPA and recommend changes.

- **HB 2128**

- ✓ Amends 2.2-4303 (Methods of Procurement)
- ✓ Adds...“For state public bodies, purchases under this subsection (small purchases) shall require (i) written informal solicitation of a minimum of four bidders or offers and (ii) posting of a public notice on eVA or other appropriate websites

- **SB 901**

- ✓ Amends 2.2-4338 (Alternative Forms of Security)
- ✓ Provides in (A)... “In lieu of a bid, payment or performance bond, a bidder may furnish a certified check or **CASHIER'S CHECK**, or cash escrow in the face amount required for the bond.

**SB 1350**

- ✓ Department of Business Assistance and DMBE will merge and become a newly created Department of Small Business and Supplier Diversity as of 1/1/14.

- **Budget Language – Section 427 (new language) - CGI**

- ✓ The APA shall provide the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than December 1, 2013, a report of the result of a financial and operational audit of CGI and its subcontractors, as provided in parts 15.2 and 15.3 of the Enterprise Applications Master Services Agreement. The audit shall review all management agreements between CGI and Executive Department agencies and institutions pursuant to Statements of Work 6 and 7 and include a review of CGI and its subcontractors' performance with regard to measured service levels.
- ✓ D.1. Notwithstanding the provisions of §§ 2.2-1509, 2.2-2007 and 2.2-2017, reporting on major IT projects in the RTIP report is reduced beginning in the 2<sup>nd</sup> year. The efforts involved in researching and preparing the report will be streamlined and project ranking will be discontinued. Project analysis will be determined by the CIO and SOTECH. Information on major IT investments will continue to be provided to the GA. Specifically, the following tasks will not be required (i) The annual report to the Governor, the Secretary, and JCOTS ; (ii) The annual report from the CIO for submission to SOTECH, the ITAC and JCOTS on an RTIP Report; (iii) The CIO development and update of a methodology for prioritizing projects based upon allocation of points to defined criteria and inclusion in the RTIP Report; (iv) The indication by the CIO of the number of points and how they were awarded for each project recommended for funding in the RTIP Report; (vi) The reporting, of all projected costs of operations and maintenance of the project, a justification and description for each project baseline change, and whether the project fails to incorporate standards for the maintenance, exchange, and security of data; and (vii) The reporting of trends in current projected IT spending by agencies and secretariats, including spending on projects, operations and maintenance, and payments to VITA.
- ✓ The CIO shall provide the Governor and the Chairmen of the Senate Finance and House Appropriations Committees no later than December 1, 2013, an assessment of the current comprehensive infrastructure agreement. The assessment shall (i) include a detailed overview of all in-scope agency infrastructure transition timelines and costs, including untransformed agencies; (ii) describe all efforts undertaken to ensure the market competitiveness of the fees paid by the Commonwealth to Northrop Grumman; (iii) assess whether the financial and contractual terms of the comprehensive agreement ensure that the Commonwealth's needs are met, including whether any modifications thereto are required; and (iv) identify options available to the Commonwealth at the expiry of the current agreement including any anticipated steps required to plan for its expiration.

**Budget Language – 4-5.04 (new language)**

- ✓ Except for research projects, research initiatives, or instructional programs at public institutions of higher education, or any non-major information technology project request from the Virginia Community College System, Longwood University, or from an institution of higher education which is a member of the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) as of July 1, 2003, ***or any procurement of information technology and telecommunications***

***goods and services by public institutions of higher education governed by some combination of Chapters 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly or Chapters 594 and 616 of the 2008 Acts of Assembly, or Chapters 824 and 829 of the 2008 Acts of Assembly***, requests for authorization from state agencies and institutions to procure information technology and telecommunications goods and services on their own behalf shall be made in writing to the Chief Information Officer or his designee. Members of VASCUPP as of July 1, 2003, are hereby recognized as: The College of William and Mary, George Mason University, James Madison University, Old Dominion University, Radford University, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, and the University of Virginia.

- ✓ This section shall not apply to public institutions of higher education governed by some combination of Chapters 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly or Chapters 594 and 616 of the 2008 Acts of Assembly, or Chapters 824 and 829 of the 2008 Acts of Assembly.
- ✓ Also, for higher education with management agreements performance assessments: 4-9.02
  - a) The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) procurement plan as submitted to the Department of Minority Business Enterprise; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable; and
  - b) The institution will make no less than 80 percent of purchase transactions through the Commonwealth's enterprise-wide internet procurement system (eVA) with no less than 75 percent of dollars to vendor locations in eVA.