HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1281 **PRINTERS NO**. 2908 **PRIME SPONSOR**: Delozier

COST / (SAVINGS)

FUND	FY 2021/22	FY 2022/23
General Fund	**$0**	**$0**

SUMMARY: Amends the Procurement Code to create a new section that prohibits most proprietary, exclusionary, or discriminatory specifications in public works contracts.

ANALYSIS: HB 1281 amends Title 62 (Procurement) by creating a new section pertaining to specifications for contracts. The new section will preclude any agency from writing a contract containing proprietary, exclusionary, or discriminatory specifications unless:

- The requirements are necessary to test or demonstrate a specific feature;
- The requirements are necessary to provide for interchangeability of parts or equipment;
- The requirements are necessary to extend or maintain compatibility with an existing system or equipment, in which case an explanation as to why this is necessary must be included; or
- No other brand or source exists.

For each part or piece of equipment, specifications must identify the essential performance features that a brand or model must have to be considered an equivalent and a statement that equivalent parts or equipment will be given equal consideration.

Effective date: 60 days

FISCAL IMPACT: According to the Department of General Services, the enactment of this legislation will have no adverse impact on Commonwealth funds.

PREPARED BY: Thomas Gwinn
House Appropriations Committee (R)

DATE: April 11, 2022

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.