

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

**BILL NO.** Senate Bill 1200

**PRINTER'S NO.** 2009

### **AMOUNT**

No Fiscal Impact

### **FUND**

General

### **DATE INTRODUCED**

July 21, 2011

### **PRIME SPONSOR**

Senator Folmer

### **HISTORY OF BILL**

Referred to STATE GOVERNMENT, July 21, 2011

Reported as amended, Oct. 25, 2011

First consideration, Oct. 25, 2011

Re-referred to APPROPRIATIONS, Nov. 15, 2011

Re-reported as amended, March 13, 2012

### **DESCRIPTION AND PURPOSE OF BILL**

Senate Bill 1200 amends Sections 515 (Sole source procurement) and 516 (Emergency Procurement) of Title 62 (Procurement) to require a purchasing agency to post on its publically accessible Internet website for public comment seven calendar days prior to executing a sole source contract justification to support the finding that one of the following conditions exist:

- Only a single contractor is capable of providing the supply, service or construction;
- A Federal or State statute or Federal regulation exempts the supply, service or construction from the competitive procedure;
- It is clearly not feasible to award the contract for supplies or services on a competitive basis; and,
- The contract for supplies and services is in the best interest of the Commonwealth.

Requires the head of the purchasing agency to sign the written determination included in a sole source contract file when it is determined the contract for supplies and services is in the best interest of the Commonwealth and it is valued at over \$250,000.

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Requires, in the case of an emergency procurement, the written determination of the basis for the emergency and selection of the contractor to be posted on the purchasing agency's publically accessible Internet website within seven days after the procurement is authorized. It requires the information to remain posted for a minimum of 30 days. Provides that no written contract be required and that the supplier may be paid based on the emergency approval and approved invoice.

The legislation is scheduled to take effect in 60 days.

### **FISCAL IMPACT:**

The enactment of Senate Bill 1200 will have no adverse fiscal impact on Commonwealth Funds. The administrative provisions contained in the legislation related to posting contract information on the agencies Internet websites can be accomplished within the agencies' existing operating budgets.