

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 2107

PRINTER NO. 4063

AMOUNT

No Adverse Fiscal Impact

FUND

General Fund

DATE INTRODUCED

May 27, 2016

PRIME SPONSOR

Representative Baker

DESCRIPTION AND PURPOSE OF BILL

House Bill 2107 amends Title 62 (Procurement) to require Internet posting of and public access to procurement records and to prohibit the Department of General Services from contracting with companies engaged in a boycott of certain persons or entities.

Provides that procurement records are subject to the Right-to-Know-Law and requires the posting of procurement records on the purchasing agency's website for a duration of 30 days. The records to be posted are as follows:

- Invitations for bids or request for proposals.
- Bid tabulations and bidder information, after bid opening.
- Notices of award, after electing to make an award.
- Written determination that an offeror has been selected for contract negotiation relating to competitive sealed bids. Responsive proposals and final negotiated contracts are not required to be posted but are required to be made available upon request.
- Requests to award relating to sole source contracts for 7 days prior to approval and upon approval the written determination authorizing procurement.
- Written determinations related to emergency procurements in advance, if feasible, but not late than 7 days after authorization.
- Contracts that are fully executed.
- Request to extend a contract for 7 days prior to approval.

Requires a written determination that a sole source procurement, in excess of \$250,000, be signed by the head of the purchasing agency. Allows for submission of quotes, instead of bids, for emergency procurements for supplies and allows the supplier to be paid based on an invoice.

Prohibits the Department of General Services from contracting with a company unless: (1) the company certifies that it is not engaged in a boycott of persons or entities based in or doing business with a jurisdiction which the Commonwealth is not prohibited by Congressional statute from engaging in trade or commerce; and, (2) it will not engage in a boycott during the term of the contract. Provides for a penalty of \$250,000 or twice the contract amount, whichever is greater, if the department determines a company provided false certification.

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

The legislation is scheduled to take effect in 60 days.

FISCAL IMPACT:

The enactment of House Bill 2107 will have no adverse fiscal impact on Commonwealth funds. The Department of General Services has indicated that it can accomplish the administrative duties required under the legislation within its current operating budget.