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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Commonwealth Transportation Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24 VAC30-340
<b>VAC Chapter title(s)</b>	Debarment or Suspension of Contractors
<b>Action title</b>	Repeal
<b>Final agency action date</b>	12/9/20
<b>Date this document prepared</b>	9/22/20

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The CTB adopted its current policy, describing the procedures and criteria it intends to use in considering the debarment of contractors, in 1981 and revised said policy in 1983. That policy is incorporated by reference as the current regulation. However, in 1982, the General Assembly enacted the Virginia Public Procurement Act which provided that a state agency designated by the Governor may adopt procedures for the debarment of contractors. In 2001, the then-Governor designated/directed, via executive order, the Department of General Services (DGS) to adopt procedures for the debarment of contractors that were to be used by state agencies. DGS has since adopted procedures for the debarment of contractors. Section 2.2-4321 of the Code of Virginia authorizes the debarment of contractors pursuant to procedures established in writing by DGS.

The CTB believes it can achieve the same purpose of the regulation through adoption of its policy as a guidance document or by following the DGS procedures for debarment.

The Office of the Attorney General has previously identified this regulation as exempt from the Administrative Process Act pursuant to § 2.2-4002(B)(2) of the Code of Virginia.

### **Mandate and Impetus**

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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The Commonwealth Transportation Board recently conducted a periodic review of 24VAC30-340, Debarment or Suspension of Contractors, and based on that review, recommended repeal of the regulation.

### **Statement of Final Agency Action**

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

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The Commonwealth Transportation Board voted on December 9, 2020, to repeal 24VAC30-340, Debarment or Suspension of Contractors.