



Final Regulation Agency Background Document

Agency name	Department of General Services
Virginia Administrative Code (VAC) citation	1VAC30-120
Regulation title	Federal Property and Administrative Services Act of 1949, as amended
Action title	Acquisition of surplus materials from the United States government.
Date this document prepared	February 28, 2013

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

This regulatory action consists of correcting the cited Code of Virginia sections that are outdated and replace with correct sections and also update and reference the current State Plan of Operation. The corrected Code sections authorize DGS to promulgate these regulations. The State Plan of Operation is a Guidance Document under this agency/board.

Statement of final agency action

Please 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 or board taking the action, and (3) the title of the regulation.

Virginia Department of General Services amends the VAC #1VAC30-120 to reflect correct Code of Virginia section number cited in the regulation and Code of Virginia. This action was taken February 28, 2013 (originally started March 2009). The title is "Federal Property and Administrative Services Act of 1949 as amended.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person’s overall regulatory authority.

Code of Virginia § 2.2-1123 and Title 40 of the USC, Subtitle, Chapter 549:FMR 102.37 as amended, GSA regulations.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The amended regulation is needed to correct outdated Code of Virginia sections that have been revised by the Virginia Acts of Assembly, Chapter 844, 2001 and to reflect correct addresses of the two distribution facilities administered by Virginia Department of General Services. This amendment is only necessary to reflect and correct language in the regulation.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.

As stated in the Purpose, the substance of the changes is only necessary to correct Code sections and other administrative language.

Issues

Please identify the issues associated with the proposed regulatory action, including:
1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;
2) the primary advantages and disadvantages to the agency or the Commonwealth; and
3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

No disadvantages indicated.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

No changes

Public comment

No public comment period offered, nor needed.

All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections.

Enter any other statement here – the actual language old/new for this action is as follows:

A. The Code of Virginia ~~§ 2.1-445.1 effective July 1, 1984~~ § 2.2-1123 effective July 1, 2001 designated the Department of General Services, Division of Purchases and Supply, as the official agency of the Commonwealth of Virginia to administer the State Plan of Operation throughout the Commonwealth pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, Title 40 of the USC, Subtitle 1, Chapter 5, Section 549; FMR 102.37, as amended, GSA regulations, and this plan.

B. The activity, in the Division of Purchases and Supply, to administer the State Plan of Operation is the Virginia Federal Property Agency, hereinafter referred to as the State Agency. The State Agency will administer all phases of the operation including acquiring, storing, and distributing Federal property to eligible public and nonprofit agencies, establish regulations and procedures, assess service charges, maintain property accounting systems, and as required, execute certifications and agreements pertaining to this Act with eligible agencies, institutions, and organizations of the Commonwealth, other States, and agencies of the Federal government. Financial accounting is maintained by the Bureau of Fiscal Services of the Department of General Services.

C. Under the general administration of the Administrator of Surplus Property, the State Agency is directed and supervised by the Manager who is responsible for all phases of the operation. The manager has an assigned staff including clerical, screeners, distribution centers, and driver personnel. In addition, the Manager cooperates with the State surplus property activity. The State Agency is a special fund activity paying all expenses from service charge revenues.

D. Two distribution center facilities are operated. The Richmond center is State Agency owned and includes a 43,000 ~~55,000~~ square foot warehouse within a fenced storage area on a 10-acre site located at 1910 Darbytown Road, Richmond, Virginia. ~~The 12,000 square foot warehouse addition is rented to the state surplus property activity. Although the warehouse and outside storage spaces are presently satisfactory, additional outside space is available for future expansions.~~ The second center is a rented 44,000 ~~45,000~~ square foot ~~warehouse located in Ivanhoe~~ retail facility located at 800 East Main Street, Wytheville, Virginia for the southwest services. Both distribution centers are co-located with State Surplus property offices and facility costs are equitably shared.

E. The managers of federal and state surplus property activities operate under ~~an Administrator~~ the Director of State Surplus Property with the next higher authority as the ~~Division Assistant Director for Public Marketing and Support~~. DGS Procurement Services.