



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Virginia Department of Transportation (Commonwealth Transportation Board)
VAC Chapter Number:	24 VAC 30-350-10 et seq.
Regulation Title:	Administrative Manual/Procurement and Surplus Manual
Action Title:	Review and Retain
Date:	March 27, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes the policies and procedures VDOT will follow (originally promulgated by the Department of General Services as the Agency Procurement and Surplus Property Manual) in procurement of goods and services. The Office of the Attorney General has determined that this regulation is exempt from the APA as provided for by § 9-6.14:4.1 B 2.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

As a state agency, VDOT must follow the provisions of the Virginia Procurement Act §11-35 et seq. The Agency Procurement and Surplus Property Manual (APSPM) is published under the authority of §2.1-442 of the Code of Virginia, and sets forth the policies and procedures to be followed by state agencies and institutions in fulfilling procurement responsibilities within their delegated limits. In addition, the Division of Purchases and Supply of the Department of General Services may from time to time issue directives or memoranda which are effective until included in a revision to the manual or rescinded.

Originally, VDOT had a manual issued by the Administrative Services Division (ASD), the work unit responsible for oversight of procurement of goods and services for VDOT, outlining the policies and procedures for procuring non-professional services, and for purchasing, storing and issuing material, equipment and supplies, as well as some administrative policies. However, ASD officially designated the Agency Procurement and Surplus Property Manual as VDOT's standard for procurement by correspondence dated April 25, 1994.

The APSPM sets out specific policies and procedures to be followed, such as submittal of purchasing plans; conditions regarding the procurement of goods and nonprofessional services; regulations to purchase of materials, supplies, equipment, nonprofessional services, and printing. The regulation may specifically exempt purchases below a stated amount or particular agencies or specified materials, equipment, nonprofessional services, supplies and printing.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

VDOT received no public comment during the Notice of Periodic Review, so no response was prepared. No advisory group was formed to assist in the periodic review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

Goals:

1. To ensure that VDOT complies with applicable policies, procedures, and statutes concerning procurement.
2. To receive satisfactory audit reports.
3. To protect the public's health, safety, and welfare with the least possible intrusiveness to the citizens and businesses of the Commonwealth.
4. Is the regulation written clearly and understandably?

VDOT believes that these goals are being met. VDOT procurement activities are audited periodically by internal and external auditors, and any deficiencies are noted and the appropriate corrective action is taken. VDOT has an obligation to ensure that it spends public funds prudently to help achieve the goals and objectives related to the transportation services and programs for which it is responsible. It is essential that public confidence in procurement practices be preserved, because such a loss could lead to a change in the public's perception of government in general (and VDOT in particular) as fair, consistent, and competent in delivering services to the public. VDOT believes that the lack of public comment received concerning the regulation indicates general satisfaction with the format of the regulation and its clarity and ease of comprehension.

This regulation has no effect on the family or family stability.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

Since § 2.1-442 requires that all purchases by any department, division, officer or agency of the Commonwealth must be made under the provisions of Chapter 7 (§ 11-35 et seq.) of Title 11 and such rules and regulations as the Division of Purchases & Supply may prescribe, VDOT believes that there is no viable alternative to the regulation.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The regulation is issued by another state agency that has authority over issuing revisions. As a state agency, VDOT must follow the policies and procedures outlined in the regulation. Since

VDOT has no discretion to revise the regulation, VDOT recommends that it should stay in effect, subject to updates issued by the Division of Purchases & Supply.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation has no effect on the family or family stability, nor does it affect any of the other factors listed above.