

Repeal of Professional and Nonprofessional Services (24 VAC 30-410)

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Overview

- Professional and Nonprofessional Services
- Reasons for repeal of the regulation
- Repeal process
- Next steps

Professional and Nonprofessional Services

- History:
 - Part of the VDOT Department Policy Memorandum (DPM) Manual
 - Approved by Commissioner as DPM 6-3 when the DPM Manual was reformatted in 1991
 - Replaced DPM 6-8, which included provisions adopted by the CTB
 - Filed as Chapter 410 (24 VAC 30-410) in the Virginia Administrative Code in 1994
 - Established the general guidelines under which VDOT acquires professional and nonprofessional services
- Current status:
 - Obsolete—last revised in 1991
 - Replaced by the APSPM, DGS and VDOT manuals
 - Superseded by changes in the Code

Reasons for Repeal of the Regulation

- In October 2008, VDOT started the process of repealing the Professional and Nonprofessional Services DPM
- At the same time, the Office of the Attorney General's Government and Regulatory Reform Task Force issued recommendations to:
 - increase efficiencies
 - reduce bureaucracy
 - mitigate adverse impacts on Virginia businesses and individuals
- OAG Task Force recommended combining three VDOT procurement regulations

Reasons for Repeal of the Regulation

- OAG Task Force recommended combining:
 - Guidelines for the Procurement & Management of Professional Services (24 VAC 30-250)
 - Administrative Services Division Manual/Agency Procurement and Surplus Property Manual (24 VAC 30-350)
 - Professional and Nonprofessional Services (24 VAC 30-410)
- VDOT had reviewed these regulations and determined they were no longer necessary
- OAG concurred that they could be repealed

Reasons for Repeal of the Regulation

| Regulation | Current Status | Going Forward |
|---|--|---|
| <p>Guidelines for the Procurement and Management of Professional Services (24 VAC 30-250)</p> | <p>Subject matter is addressed in VDOT's Manual for the Procurement & Management of Professional Services, the Department of General Services (DGS) Construction & Professional Services Manual, and in the Virginia Public Procurement Act (VPPA)</p> | <p>VDOT Manual will be filed as a guidance document VDOT is subject to the VPPA and the DGS manuals</p> |
| <p>Administrative Services Division Manual/APSPM (24 VAC 30-350)</p> | <p>Reformatted as the Administrative Services Division Procurement Manual (currently under revision to become an APSPM exceptions manual) APSPM is a DGS regulation (1VAC30-130) promulgated under the VPPA that agencies, including VDOT, must follow</p> | <p>Manual will be filed as a guidance document VDOT is subject to the APSPM</p> |
| <p>Professional and Nonprofessional Services (24 VAC 30-410)</p> | <p>Subject matter is addressed in the VPPA, APSPM, DGS Construction & Professional Services Manual, and the two VDOT manuals above</p> | <p>VDOT is subject to the VPPA, APSPM, and DGS manuals VDOT manuals will be filed as guidance documents</p> |

Repeal Process

- Only Chapter 410 is a CTB regulation
 - Chapter 410 must be repealed by the CTB
 - Other two regulations need only VDOT approval for repeal
- All three regulations are exempt from requirements of the Administrative Process Act (APA)
- APA-exempt regulations require:
 - OAG certification—obtained for these actions
 - Posting final regulatory package to DPB Town Hall
 - Publication in the Virginia Register

Next Steps

- CTB approval of repeal of Chapter 410
- Posting/publication of the regulatory action to the DPB Virginia Regulatory Town Hall and the Virginia Register:
 - Regulatory action includes repeal of all three regulations
- Repeal effective 60 days after CTB action, pursuant to § 33.1-19 of the Code of Virginia