



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

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Chairman

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***Agenda item # 3***

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

January 20, 2010

#### MOTION

**Made By: Dr. Davis Seconded By: Mr. White**

**Action: Motion Carried, Unanimously**

#### **Title: Repeal of Professional and Nonprofessional Services (24 VAC 30-410)**

**WHEREAS**, the Virginia Public Procurement Act (VPPA) (§ 2.2-4300 et seq. of the *Code of Virginia*) sets forth public policies pertaining to governmental procurement from nongovernmental sources; and

**WHEREAS**, the Virginia Department of Transportation (VDOT) is subject to the VPPA and implementing regulations, including the Department of General Services' *Agency Procurement and Surplus Property Manual (APSPM)*; and

**WHEREAS**, to promote uniformity across the agency, VDOT has established agency-specific procurement policies and procedures, including the *Administrative Services Division (ASD) Procurement Manual* and the *Manual for the Procurement & Management of Professional Services*; and

**WHEREAS**, VDOT established additional procurement policies in a Department Policy Memorandum, *Procurement of Professional and Nonprofessional Services*, which was filed by description as a regulation in the Virginia Administrative Code (VAC) as 24 VAC 30-410; and

**WHEREAS**, upon review of its regulations regarding procurement, VDOT determined that the *Guidelines for the Procurement and Management of Professional Services* (24 VAC 30-250) have been superseded by the *Manual for the Procurement & Management of Professional Services*, the Department of General Services (DGS) *Construction & Professional Services Manual*, and changes in the VPPA; the *Administrative Services Division Manual* (24 VAC 30-350) has been reformatted as the *Administrative Services Division Procurement Manual*, which is currently being revised to be a manual of exceptions to the *Agency Procurement and Surplus Property Manual (APSPM)*; the *APSPM* is a DGS regulation (1 VAC 30-130); and the topics addressed in *Professional and Nonprofessional Services* (24 VAC 30-410) are addressed in the VPPA, the *APSPM*, the *DGS Construction & Professional Services Manual*, and the two previously referenced VDOT manuals; and

**WHEREAS**, VDOT determined that the *Manual for the Procurement and Management of Professional Services* and *Administrative Services Division Procurement Manual* are guidance documents pursuant to § 2.2-4001 of the *Code of Virginia*; and

**WHEREAS**, concurrently, the Office of the Attorney General's Government and Regulatory Reform Task Force recommended that *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), and *Professional and Nonprofessional Services* (24 VAC 30-410) be combined into one regulation; and

**WHEREAS**, after reviewing VDOT's explanation of the current status of the three regulations and two VDOT manuals, the Office of the Attorney General certified that the regulations may be repealed and the manuals may be filed as guidance documents; and

**WHEREAS**, this action is exempt from the Administrative Process Act pursuant to § 2.2-4002 B.2 of the *Code of Virginia*.

**NOW THEREFORE BE IT RESOLVED**, that the Commonwealth Transportation Board hereby repeals *Professional and Nonprofessional Services* (24 VAC 30-410) to be effective as provided for by the State Registrar of Regulations.

**BE IT FURTHER RESOLVED**, that the resolution dated February 20, 1986 amending the Department Policy Memorandum concerning dollar limits of authority for execution of agreements by the Highway and Transportation Board, the Commissioner, the Deputy Commissioner, and the Chief Engineer, is hereby repealed.