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1 **HOUSE BILL NO. 1239**

2 Offered January 14, 2026

3 Prefiled January 14, 2026

4 *A BILL to amend and reenact § 2.2-4303 of the Code of Virginia, relating to Virginia Public Procurement*
5 *Act; contract formation and administration; methods of procurement; competitive sealed bids or*
6 *negotiation exemption.*

7 Patron—Oates

8 Committee Referral Pending

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10 **Be it enacted by the General Assembly of Virginia:**
11 **1. That § 2.2-4303 of the Code of Virginia is amended and reenacted as follows:**12 **§ 2.2-4303. Methods of procurement.**13 A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the
14 purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or
15 competitive negotiation as provided in this section, unless otherwise authorized by law. All state public
16 bodies accepting bids or proposals for contracts pursuant to this chapter shall provide an option to submit bids
17 or proposals through the Commonwealth's statewide electronic procurement system, known as eVA. The
18 Director of the Department of General Services, or his designee, may grant an exemption from such
19 requirement at the request of a state public body and upon a showing of good cause. All local public bodies
20 shall provide an option to submit bids or proposals through eVA or other electronic means. In cases where
21 bids or proposals are submitted electronically, the local public body may also require a certain number of
22 paper submissions for review purposes.

23 B. Professional services shall be procured by competitive negotiation.

24 C. Goods, services other than professional services, and insurance may be procured by competitive sealed
25 bidding or competitive negotiation.26 Upon a written determination made in advance by (i) the Governor or his designee in the case of a
27 procurement by the Commonwealth or by a department, agency or institution thereof or (ii) the local
28 governing body in the case of a procurement by a political subdivision of the Commonwealth, that
29 competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured
30 through a licensed agent or broker selected in the manner provided for the procurement of things other than
31 professional services set forth in § 2.2-4302.2. The basis for this determination shall be documented in
32 writing.33 D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation
34 may be used in the following instances:35 1. By any public body on a fixed price design-build basis or construction management basis as provided in
36 Chapter 43.1 (§ 2.2-4378 et seq.); or37 2. By any public body for the construction of highways and any draining, dredging, excavation, grading or
38 similar work upon real property upon a determination made in advance by the public body and set forth in
39 writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public,
40 which writing shall document the basis for this determination.41 E. Upon a determination in writing that there is only one source practicably available for that which is to
42 be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or
43 competitive negotiation. The writing shall document the basis for this determination. The public body shall
44 issue a written notice stating that only one source was determined to be practicably available, and identifying
45 that which is being procured, the contractor selected, and the date on which the contract was or will be
46 awarded. This notice shall be posted on the Department of General Services' central electronic procurement
47 website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general
48 circulation on the day the public body awards or announces its decision to award the contract, whichever
49 occurs first. Posting on the Department of General Services' central electronic procurement website shall be
50 required of any state public body. Local public bodies are encouraged to utilize the Department of General
51 Services' central electronic procurement website to provide the public with centralized visibility and access to
52 the Commonwealth's procurement opportunities.53 F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive
54 negotiation; however, such procurement shall be made with such competition as is practicable under the
55 circumstances. A written determination of the basis for the emergency and for the selection of the particular
56 contractor shall be included in the contract file. The public body shall issue a written notice stating that the
57 contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor

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59 selected, and the date on which the contract was or will be awarded. This notice shall be posted on the
60 Department of General Services' central electronic procurement website or other appropriate websites, and in
61 addition, public bodies may publish in a newspaper of general circulation on the day the public body awards
62 or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable.
63 Posting on the Department of General Services' central electronic procurement website shall be required of
64 any state public body. Local public bodies are encouraged to utilize the Department of General Services'
65 central electronic procurement website to provide the public with centralized visibility and access to the
66 Commonwealth's procurement opportunities.

67 G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive
68 sealed bids or competitive negotiation for single or term contracts for:

69 1. Goods and services other than professional services, if the aggregate or the sum of all phases is not
70 expected to exceed \$200,000; and ~~non-transportation related~~;

71 2. *Non-transportation-related* construction, if the aggregate or the sum of all phases is not expected to
72 exceed \$300,000; and

73 2. 3. Transportation-related construction, if the aggregate or sum of all phases is not expected to exceed
74 \$25,000.

75 However, such small purchase procedures shall (i) provide for competition wherever practicable and (ii)
76 *allow for purchases from a supplier of goods and services other than professional services to be procured*
77 *under such procedures when the aggregate value of the purchases exceeds the thresholds established (a) in*
78 *subdivision G 1 or (b) by the public body, if such supplier provides documentation to the public body*
79 *certifying it has fewer than 25 employees and annual gross receipts not exceeding \$3 million.*

80 Such purchase procedures may allow for single or term contracts for professional services without
81 requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed
82 \$80,000.

83 Where small purchase procedures are adopted for construction, the procedures shall not waive compliance
84 with the Uniform State Building Code.

85 For state public bodies, informal solicitations conducted under this subsection shall require the posting of
86 a public notice on the Department of General Services' central electronic procurement website. Local public
87 bodies are encouraged to utilize the Department of General Services' central electronic procurement website
88 to provide the public with centralized visibility and access to the Commonwealth's procurement
89 opportunities.

90 H. Upon a determination made in advance by a public body and set forth in writing that the purchase of
91 goods, products or commodities from a public auction sale is in the best interests of the public, such items
92 may be purchased at the auction, including online public auctions. Purchase of information technology and
93 telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any
94 authority, department, agency, or institution of the Commonwealth if approved by the Chief Information
95 Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk
96 purchases of commodities used in road and highway construction and maintenance, and aggregates shall not
97 be made by online public auctions.

98 I. The purchase of goods or nonprofessional services, but not construction or professional services, may
99 be made by reverse auctioning. However, bulk purchases of commodities used in road and highway
100 construction and maintenance, and aggregates shall not be made by reverse auctioning.