2002 Session

Budget Bill - HB29 (Chapter 814)

Item 4-5.06

§ 4-5.06 GOODS AND SERVICES

a. STUDENT ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION:

1. Public Information Encouraged: Each public institution of higher education is expected and encouraged to provide prospective students with accurate and objective information about its programs and services. The institution may use public funds under the control of the institution's Board of Visitors for the development, preparation and dissemination of factual information about the following subjects: academic programs; special programs for minorities; dates, times and procedures for registration; dates and times of course offerings; admission requirements; financial aid; tuition and fee schedules; and other information normally distributed through the college catalog. This information may be presented in any and all media, such as newspapers, magazines, television or radio where the information may be in the form of news, public service announcements or advertisements. Other forms of acceptable presentation would include brochures, pamphlets, posters, notices, bulletins, official catalogs, flyers available at public places and formal or informal meetings with prospective students.

2. Excessive Promotion Prohibited: Each public institution of higher education is prohibited from using public funds under the control of the institution's Board of Visitors for the development, preparation, dissemination or presentation of any material intended or designed to induce students to attend by exaggerating or extolling the institution's virtues, faculty, students, facilities or programs through the use of hyperbole. Artwork and photographs which exaggerate or extol rather than supplement or complement permissible information are prohibited. Mass mailings are generally prohibited; however, either mass mailings or newspaper inserts, but not both, may be used if other methods of distributing permissible information are not economically feasible in the institution's local service area.

3. Compliance: The president or chancellor of each institution of higher education is responsible for the institution's compliance with this subsection.

b. INFORMATION TECHNOLOGY FACILITIES AND SERVICES:

1. Written approval of the Secretary of Technology shall be obtained before any executive branch agency or institution of higher education contracts for telecommunications services from a nongovernmental source. Written approval of the Director, Department of Information Technology, shall be obtained before any executive branch agency, not to include institutions of higher education ~~and the State Lottery Department~~: a) contracts for the continuous use of any item of telecommunications equipment or b) contracts for the purchase of any item of telecommunications equipment.

2. Prior to acquiring any desktop computers, all executive branch agencies and institutions of higher education shall perform a Total Cost of Ownership (TCO) evaluation, as prescribed by the Secretary of Technology and the Council on Technology Services. No agency or institutions of higher education shall be required to perform a TCO evaluation more frequently than every two years.

3. If the billing rates and associated systems for computer, telecommunications and systems development services to state agencies are altered, the Director, Department of Planning and Budget, may transfer appropriations from the general fund between programs affected. These transfers are limited to actions needed to adjust for overfunding or underfunding the program appropriations affected by the altered billing systems.

4. Before any executive branch agency agrees to purchase from a government agency data processing systems development, systems enhancement, or systems modification services which are expected to exceed $100,000 in cost, the purchasing agency must provide the Department of Information Technology with a written determination that it is not in the best interest of the Commonwealth to procure those services from a nongovernmental contractor through the competitive negotiation procedures defined in § ~~11-37~~ *2.2-4301*, Code of Virginia. The Secretary of ~~Administration~~ *Technology* may issue an emergency exemption to this requirement.

5. Any Request for Proposal for information technology (IT) systems, products, data, and services, including geographic information systems (GIS), issued in accordance with the provisions of this subsection shall require conformance with the policies and guidelines for systems development, operations, and maintenance of the Department of Technology Planning.

6. a) The provisions of this subsection shall not in any way affect the duties and responsibilities of the State Comptroller under the provisions of § ~~2.1-196.1~~ *2.2-803*, Code of Virginia.

b) It is in the interest of the Commonwealth that its institutions of higher education be in the forefront of development in technology. Therefore, the provisions of this subsection shall not be construed to hamper the institutions' activities in instruction and research.

7. It is the intent of the General Assembly that information technology (IT) systems, products, data, and service costs, including geographic information systems (GIS), be contained through the shared use of existing or planned equipment, data, or services which may be available or soon made available for use by state agencies , institutions, authorities, and other public bodies. State agencies, institutions, and authorities shall cooperate with the Department of Technology Planning and the Department of Information Technology in identifying the development and operational requirements for proposed IT and GIS systems, products, data, and services, including the proposed use, functionality, capacity and the total cost of acquisition, operation and maintenance.

8. The Secretary of Technology shall review agency procurements of all non-DIT provided data communications, telecommunications, and/or data center services and approve only those procurements that benefit the purchasing agency and the Commonwealth as a whole. However, nothing in this paragraph shall prevent any institution of higher education, or the Virginia Community College System, from implementing plans or contracts already agreed to for the provision of data communications services.

c. MOTOR VEHICLES AND AIRCRAFT:

1. No motor vehicles (including station wagons) shall be purchased or leased with public funds by the state or any officer or employee on behalf of the state without the prior written approval of the Commonwealth Transportation Commissioner. The Director, Department of General Services, is hereby authorized to transfer surplus motor vehicles among the state agencies, and determine the value of such surplus equipment for the purpose of maintaining the financial accounts of the state agencies affected by such transfers.

2. The Director, Department of Aviation, shall prepare general guidelines regarding aircraft acquisition and use that shall include a requirement for state agencies to develop written policies on usage, charge rates and record keeping. The Director shall examine the aircraft needs of state agencies and determine the most efficient and effective method of organizing and managing the Commonwealth's aircraft operations. The Director shall implement the aircraft management system he determines to be most suitable and revise it periodically as the need

arises.

d. DRUG PURCHASES: No state agency shall dispense drugs purchased from appropriations in this act for Title XIX, Social Security Act. This provision shall not apply to drugs dispensed to patients of institutions operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services, and the hospital at the University of Virginia and to patients of local health departments.

e. MOTION PICTURE, TELEVISION AND RADIO SERVICES PRODUCTION: No state agency shall expend any public funds for the production of motion picture films or of programs for television transmission, or for the operation of television or radio transmission facilities, without the prior written approval of the Governor or as otherwise provided in this act, except for educational television programs produced for elementary-secondary education by authority of the Department of Information Technology. With respect to television programs which are so approved and other programs which are otherwise authorized or are not produced for television transmission, state agencies may enter into contracts without competitive sealed bidding, or competitive negotiation, for program production and transmission services which are performed by public telecommunications entities, as defined in § ~~2.1-563.13~~ *2.2-1301*, Code of Virginia.

f. TRAVEL: Reimbursement for the cost of travel on official business of the state government is authorized to be paid pursuant to law and regulations issued by the State Comptroller to implement such law. Notwithstanding any contrary provisions of law:

1. For the use of personal automobiles in the discharge of official duties outside the continental limits of the United States, the State Comptroller may authorize an allowance not exceeding the actual cost of operation of such automobiles;

2. The first 15,000 miles of use during each fiscal year of personal automobiles in the discharge of official duties within the continental limits of the United States shall be reimbursed at the rate of 32.5 cents per mile, or in the instance of a state employee, at the lesser of (a) 32.5 cents per mile or (b) the lowest rate charged by the Division of Fleet Management, Department of Transportation, for the use of state-owned automobiles. If the head of the state agency concerned certifies that a state-owned vehicle was not available, or if, according to regulations issued by the State Comptroller, the use of a personal automobile in lieu of a state-owned automobile is considered to be an advantage to the state, the reimbursement shall be at the rate of 32.5 cents per mile. For such use in excess of 15,000 miles in each fiscal year, the reimbursement shall be at a rate of 13.0 cents per mile, unless a state-owned vehicle is not available; then the rate shall be 32.5 cents per mile;

3. The State Comptroller may authorize exemptions to restrictions upon use of common carrier accommodations;

4. The State Comptroller may authorize reimbursement by per diem in lieu of actual costs of meals and any other expense category deemed necessary for the efficient and effective operation of state government; ~~and~~

5. State agencies shall identify all employees likely to travel on official business of state government more than twice per year and shall reimburse such employees for their travel costs using electronic data interchange. Any exceptions to this requirement must be approved by the affected cabinet secretary; and

~~5.~~*6.* This section shall not apply to members and employees of public school boards.

g. SMALL PURCHASE CHARGE CARD: The State Comptroller is hereby authorized to charge state agencies a per check fee of $1 when, in his judgment, agencies have failed to comply with the provisions of the Commonwealth's Small Purchase Charge Card program, thereby incurring unnecessary administrative costs for the printing and mailing of checks for small dollar amounts. The fee shall be collected by the Department of Accounts through accounting entries.