2002 Session

Budget Bill - HB30 (Chapter 899)

Item 4-5.08

§ 4-5.08 DELEGATION OF AUTHORITY

a. The designation in this act of an officer or agency head to perform a specified duty shall not be deemed to supersede the authority of the Governor to delegate powers under the provisions of § 2.2-1304, Code of Virginia.

b.1.a) The provisions of § 4-5.08 b of Chapter 912 of the Acts of Assembly of 1996, pertaining to pilot programs for capital outlay projects in selected institutions of higher education, including Old Dominion University, are hereby continued. For institutions not already participating in the capital outlay pilot programs, the Secretary of Administration shall establish guidelines by October 1, 2002, that identify the criteria that an institution must meet in order to participate in the pilot programs.

b) For institutions currently participating in the pilot programs, the Secretary of Administration shall establish performance criteria by October 1, 2002, upon which to evaluate how well the institutions participating in the pilot programs are performing their delegated functions. To the extent that institutions are performing to the satisfaction of the Secretary of Administration, they will be removed from the pilot programs and be delegated authority to administer nongeneral fund capital outlay projects subject to periodic audit by the Department of General Services.

c) The Secretary of Administration shall report annually to the General Assembly any institutions that have applied for and been accepted into the nongeneral fund capital outlay pilot program. He shall also report to the 2003 and 2004 Sessions of the General Assembly regarding any institutions that have been granted delegated authority for nongeneral fund capital outlay projects.

2. Notwithstanding the provisions of § 2.2-4309, Code of Virginia, no approval of the Governor shall be required for contract modifications as specified therein for the pilot programs of the selected institutions of higher education referenced in paragraph 1, provided that contract modifications of such projects, including construction and architectural and engineering change orders, shall be approved by the Boards of Visitors, which may further delegate this authority to the President, a Vice President, or the individual responsible for facilities design and construction matters at the selected institution of higher education to act on its behalf.

3. The selected institutions are hereby granted a waiver from the provisions of § 2.2-4301, Competitive Negotiation, subdivision 3a, Code of Virginia, regarding the not to exceed amount of $100,000 for a single project, the not to exceed sum of $500,000 for all projects performed, and the option to renew for two additional one-year terms.

c. The provisions of § 4-5.08 c of Chapter 912 of the Acts of Assembly of 1996 pertaining to pilot programs for real property leases in selected institutions of higher education, including Old Dominion University, are hereby continued.

d. Notwithstanding any contrary provision of law or this act, delegations of authority in this act to the Governor shall apply only to agencies and personnel within the Executive Department, unless specifically stated otherwise.

e. Virginia Commonwealth University is hereby delegated the authority of the Department of General Services and the Governor provided in §§ 2.2-1149 and 23-4.1, Code of Virginia, to enter into leases with the Virginia Commonwealth University Health System Authority for space within the facilities which are the subject of the Master Lease between the University and the Authority dated June 10, 1997. This delegation of authority is limited to operating leases and excludes capital leases as defined by Generally Accepted Accounting Principles (GAAP).