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SENATE BILL NO. 416

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on March 1, 2022)

(Patron Prior to Substitute—Senator DeSteph)

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-4328.2, relating to the Virginia Public Procurement Act; purchase of personal protective equipment.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-4328.2 as follows:

§ 2.2-4328.2. Purchase of personal protective equipment by state agencies.

A. Notwithstanding any provision of law to the contrary, whenever a state agency purchases personal protective equipment (PPE) for public use, such PPE (i) shall be purchased from a Virginia-based company or a manufacturer that uses materials or product components made in Virginia or the United States and (ii) shall comply with all applicable federal and international certifications and requirements for such products.

B. If a state agency is unable to purchase PPE in accordance with subsection A, it may purchase PPE from another company or manufacturer so long as the state agency ensures that the PPE is tested by an independent laboratory to ensure compliance with all applicable federal and international certifications and requirements for such products. A state agency may purchase PPE without the need for additional independent laboratory testing if the manufacturer of such PPE provides verifiable proof of internal and independent testing by an accredited United States laboratory or testing facility at the time of purchase.

C. In the process of procuring PPE pursuant to the provisions of this section, state agencies shall make every reasonable effort to receive two or more bids and shall only select among those bids. State agencies shall report all relevant information regarding any contract awarded in accordance with subsection B to the Secretary of Commerce and Trade, who shall, in accordance with the mandatory disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) and any exemptions thereto, make such information available to the public.

2. That the Secretary of Commerce and Trade (the Secretary) shall establish a work group to make recommendations to the General Assembly regarding products other than personal protective equipment that state agencies should be required to purchase (i) from a Virginia-based company or a manufacturer that uses materials or product components made in Virginia or the United States or (ii) when the products are unavailable from such companies or manufacturers, from a United States-based manufacturer using materials or product components made in the United States, if available. The Secretary shall report the recommendations of the work group to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology by September 1, 2022.