November 2, 2026

MEMORANDUM

TO: Purchasing Offices
Departments, Institutions, Agencies
Commonwealth of Virginia

FROM: Kelly Gill
Director, DPS

Kelly Gill Digitally signed by Kelly Gill Date: 2026.10.30 10:44:33 -04'00'

SUBJECT: Changes to the *Virginia Public Procurement Act,* Effective July 1, 2026

The 2026 session of the General Assembly made changes to the *Virginia Public Procurement Act (VPPA)* that took effect July 1, 2026, or later. Attached is an unofficial copy of the *VPPA* incorporating those changes, indicated by an arrow (→) in the margin. After July 1, 2026, the 2025 version of the *VPPA* issued by the Division is obsolete.

The following is a summary of the significant changes made by the 2026 General Assembly, which are reflected in this copy. For judicial or other legal uses, consult the *Code of Virginia.*

Chapter 43 **Virginia Public Procurement Act**

Article 1 **General Provisions**

§2.2-4301 *Definitions.*

Inserts commas to definitions "*Affiliate*", "*Construction*", "*Informality*", "*Potential bidder or offeror*", "*Professional services*", "*Public body*", and "*Services*".

Deletes comma after the word "…*highway*…" in Construction definition.

Deletes "…shall…", "…include…", and "…an…" in definition "*Professional services*".

Inserts "…*geology*…" after the word "…*architecture*…" in definition "*Professional services*".

Inserts "…. *includes…any (i)….and (ii) licensed investment advisor, financial advisor, or insurance broker procured by the Department of the Treasury*…" to definition "*Professional services*".

Deletes "…of Virginia*…"* in definition "*Public body*".

§ 2.2-4302.3 *Additional public works contract requirements.*

Adds entire new section

Article 2 **Contract Formation and Administration**

§2.2-4304 *Joint and cooperative procurement.*

Subsection A

Deletes commas after "…*bodies*…", "…*states*…", and "…*Governments*…".

Deletes "…or…" in paragraph.

Inserts commas after words "…*agencies*…" and "…*institutions*…" in paragraph.

Subsection B

Inserts "*1.*" after B subsection heading

Inserts comma after "…*Association*…" in paragraph.

Re-designates "1." subheading with "*a.*"

Re-designates "2." subheading with "*b.*"

Re-designates "2" with *"b."* after subdivision in paragraph.

Deletes "…or…" and inserts "…*or (v) roofing maintenance, repair, restoration, and component replacement of existing facilities that do not involve modification to the structure...*". in subsection b.

Adds "*Subdivision 1 shall not apply to intergovernmental support agreements entered into pursuant to 10 U.S.C. § 2679*".

Inserts "*2.*" before the word "…*In*…" of third paragraph, creating sub-subsection for subsection B.

Subsection C

Inserts comma after "…*educational institutions*…" in first paragraph.

Deletes "…*with*…" in first paragraph.

Deletes comma after "…*Columbia*…" in first paragraph.

Inserts comma after "…*agency*…" in second paragraph.

Subsection D

Number 1 - Inserts commas after "… *technology*…" and "…*government*…" in paragraph.

§2.2-4321.3 *Payment of prevailing wage for work performed on public works contracts; penalty.*

Subsection A:

Adds definitions "*Area*", "*Commissioner*", "*Covered institution*", "*Department*", and "'*Type of construction' or 'construction type'*".

Deletes "…of Labor and Industry…", "…applicable…", "…determinations made…", and "…276…" in definition "*Prevailing wage rate*".

Inserts "…*surveys conducted every three years, provided that (i) in no event shall the*…", "…*be lower than the prevailing wage rate determined*…", "… *federal*…", "…*3141*…", and "…*and (ii) the method for determining the prevailing wage is consistent with the definition of "prevailing wage" in 29 C.F.R. § 1.2 as of January 20, 2026*…" to definition "*Prevailing wage rate*".

Deletes "…including…" in definition "*Public works*".

Inserts "…*covered institution*…", "…*and includes*…", and "…*Public works*", and "…*does not include work performed at a non-governmental property or facility used to provide broadband or other telecommunications services, regardless of whether such property or facility was installed under a federal, state, or local grant or other infrastructure expansion program, and regardless of whether such property or facility is held in trust or is otherwise subject to a partial federal or state interest for any period of time*…" to definition "*Public works*".

Subsection B:

Deletes "…equal to…" and adds "…*no less than*…".

Subsection C:

Deletes "…equal to…" and adds "…*a rate no less than*…" and "…*no less than*…".

Subsections D and E:

Adds entire new subsections.

Subsection F:

Re-designates letter F and Deletes "…(i)…" and "…shall be…".

Inserts "…*subject to the provisions of this section*…", "…*or a covered institution*…", and "…*(i)*…".

Re-designates letters E-H, I, J, L, and M to letters G-J, L, and M and adds letters K and N

Subsection G:

Re-designates letter G and deletes "…or…".

Inserts "…*or labor organization*…".

Subsection H:

Re-designates letter H and deletes "…of Labor and Industry…".

Inserts "…*a representative of a covered institution*…".

Subsection I:

Re-designates letter I and deletes "…of Labor and Industry…".

Subsection J:

Re-designates letter J and deletes "…of Labor and Industry…".

Subsection K:

Adds entire new subsection.

Subsection L:

Re-designates letter L and deletes "…for…", "…of Labor and Industry…", and "…of Labor and Industry…".

Inserts "…*a covered institution*…".

Subsection M:

Adds entire new section.

Subsection N:

Re-designates letter N.

§2.2-4324 *(Effective until July 1, 2028) Preference for Virginia goods, U.S. goods, and Virginia residents*

Deletes "July 1, 2027" and replaces with "*July 1, 2028*" in section title

§2.2-4324 *(Effective July 1, 2028) Preference for Virginia goods, U.S. goods, and Virginia residents*

Subsection B

Number 1 - Deletes "…(i)…" and "…(ii)…" and inserts *"(i)"* before the word bid.

Inserts "…*or (ii) the bid is for agricultural products that are produced or processed in Virginia and intended for school nutrition programs, including fresh fruits, vegetables, and dairy products, and is within 20 percent of such bid…*".

Deletes "…that is a Virginia resident" and inserts "…*pursuant to clause (i) or (ii)*…".

Article 3 **Exemptions and Limitations**

§ 2.2-4343 *Exemption from operation of chapter for certain transactions.*

Subsection A:

Number 8 – Deletes "Chairman" and adds "*Chair*"
Number 12 – Adds "*§2.2-4302.3*"