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Exempt Action Final Regulation Agency Background Document

Agency name	Department of Small Business and Supplier Diversity
Virginia Administrative Code (VAC) citation(s)	7VAC13-20
Regulation title(s)	Regulations to Govern the Certification of Small, Women- and Minority-Owned Businesses
Action title	Regulations to Govern the Certification of Small, Women- and Minority-Owned Businesses
Final agency action date	December 7, 2016
Date this document prepared	December 7, 2016

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The purposes of the Regulations to Govern the Certification of Small, Women- and Minority-Owned Businesses, 7VAC13-20, are (i) to establish minimum requirements for the certification of small, women- and minority-owned (SWaM) businesses pursuant to Chapter 16.1 (§ 2.2-1603 et seq.) of Title 2.2 of the Code of Virginia and (ii) to provide a process for evaluating local, state, private sector, and federal certification programs that meet those requirements. The Department of Small Business and Supplier Diversity submitted a regulatory action, published in the Virginia Register August 7, 2016, to amend this regulation. Unfortunately, the text of the regulation included incorrect language in subsection E of 7VAC13-20-150 and in 7VAC13-20-190. This regulatory action is submitted to correct that oversight and removes the incorrect language from subsection E of 7VAC13-20-150 and from 7VAC13-20-190. In

addition, this regulatory action adds a definition of “Gross Receipts” to 7VAC13-20-10, and removes subsection C of 7VAC13-20-220 because it is not the intent of the Department to prevent businesses from reapplying for certification.

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Department of Small Business and Supplier Diversity submitted this regulatory action on December 7, 2016 to amend 7VAC13-20, Regulations to Govern the Certification of Small, Women- and Minority-Owned Businesses.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The Department of Small Business and Supplier Diversity does not anticipate that this regulatory action will have a negative impact on the institution of the family and family stability. This action will probably be entirely neutral regarding: 1) strengthening or eroding the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encouraging or discouraging economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthening or eroding the marital commitment; and 4) increasing or decreasing disposable family income.