

2001 SESSION

INTRODUCED

016096536

SENATE JOINT RESOLUTION NO. 410

Offered January 12, 2001

Requesting the Virginia Bar Association to study certain aspects of the Virginia Public Procurement Act.

Patron—Martin

Referred to Committee on Rules

WHEREAS, in 1983 the General Assembly adopted the Virginia Public Procurement Act (VPPA) as the basis for public procurement practices in the Commonwealth; and

WHEREAS, since adoption of the VPPA, the Virginia Bar Association (Association) has from time to time proposed amendments and revisions to the VPPA to address changes in the public work environment and to maintain clear and consistent guidelines for fair and open competition in public procurement in the Commonwealth; and

WHEREAS, § 11-70 of the Code of Virginia has been construed by the courts as not permitting contractors to submit claims to public owners on behalf of subcontractors or suppliers who claim to have been damaged on public projects due to acts or omissions of the public owner; and

WHEREAS, public owners have raised legitimate procedural and policy concerns about the proposed amendment of § 11-70 to allow contractors to submit such claims on behalf of subcontractors and suppliers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia Bar Association be requested to study the proposed amendment of § 11-70 to allow contractors to submit claims on behalf of subcontractors and suppliers to public owners. The Association shall examine the policies and procedures applicable to this issue from the perspective of both public owners and public works contractors. To assist in carrying out the objectives of the study, the Association shall establish an advisory task force that shall consist of at least one representative of each of the following organizations: the Virginia Bar Association, the Department of General Services, the Department of Transportation, the Office of the Attorney General, and the Local Government Attorneys of Virginia, Inc.

All agencies of the Commonwealth shall provide assistance to the Association for this study, upon request.

The Association shall complete its work in time to submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

INTRODUCED

SJ410