

# VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

## CHAPTER 303

*An Act to amend and reenact § 33.1-191 of the Code of Virginia, relating to actions of certain contractors that cause environmental damage or violate environmental laws or permits.*

[H 1248]

Approved April 1, 2002

**Be it enacted by the General Assembly of Virginia:**

**1. That § 33.1-191 of the Code of Virginia is amended and reenacted as follows:**

§ 33.1-191. Contracts.

A. Every contractor whose bid is accepted shall, before commencing work, enter into a contract with the Commonwealth Transportation Commissioner, which shall fully set out the time when work shall commence and when the contract shall be completed, as well as the time and manner for the payment for the work. Whenever the Commissioner or his designee publicly opens and announces all bids received for each invitation to bid, it shall be announced at the same time if the lowest read bid exceeds the maximum tolerance of the Department's estimate for the work represented by that bid.

B. The contract shall require that the contractor comply with all requirements, conditions, and terms of the contract, including but not limited to environmental permits that are part of the contract. If the contractor violates a contract provision ~~that~~ *and the violation* results in environmental damage or *if the contractor* violates environmental laws or environmental permits, the Department may suspend the contractor from future bidding or initiate debarment. In addition, the Department may recover either (i) the loss or damage that the Department suffers as a result of such violation or (ii) any liquidated damages established in such contract plus (iii) reasonable attorney's fees and expert witness fees. Any damages and costs collected under this section shall be deposited into the Transportation Trust Fund and used for transportation purposes as determined by the Commonwealth Transportation Board.