

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 2.2-4308.1, relating to the Virginia*
3 *Public Procurement Act; purchase of certain insurance in construction projects.*

4 [H 994]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 2.2-4308.1 as follows:**8 *§ 2.2-4308.1. Purchase of owner-controlled insurance in construction projects.*

9 *A. Notwithstanding any other provision of law to the contrary, a public body may purchase at its*
10 *expense an owner-controlled insurance program in connection with any public construction contract*
11 *where the amount of the contract or combination of contracts is more than \$100 million, provided that*
12 *no single contract valued at less than \$50 million shall be combined pursuant to this section. The public*
13 *body shall provide notice if it intends to use an owner-controlled insurance program, including the*
14 *specific coverages of such program, in any request for proposal, invitation to bid, or other applicable*
15 *procurement documents.*

16 *B. A public body shall not require a provider of architecture or professional engineering services to*
17 *participate in the owner-controlled insurance program, except to the extent that the public body may*
18 *elect to secure excess coverage. No contractor or subcontractor shall be required to provide insurance*
19 *coverage for a construction project if that specified coverage is included in an owner-controlled*
20 *insurance program in which the contractor or subcontractor is enrolled.*

21 *C. For the purposes of this section, "owner-controlled insurance program" means a consolidated*
22 *insurance program or series of insurance policies issued to a public body that may provide for some or*
23 *all of the following types of insurance coverage for any contractor or subcontractor working on or at a*
24 *public construction contract or combination of such contracts: general liability, property damage,*
25 *workers' compensation, employer's liability, pollution or environmental liability, excess or umbrella*
26 *liability, builder's risk, and excess or contingent professional liability.*

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