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## SENATE BILL NO. 1096

Offered January 14, 2009

Prefiled January 13, 2009

A *BILL to amend and reenact § 2.2-2405 of the Code of Virginia, relating to the Design-Build Construction Management Review Board.*

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Patron—Herring

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Referred to Committee on General Laws and Technology

**Be it enacted by the General Assembly of Virginia:****1. That § 2.2-2405 of the Code of Virginia is amended and reenacted as follows:**

§ 2.2-2405. Powers and duties of the Design-Build/Construction Management Review Board.

A. The Review Board shall have the power and duty to:

1. Review submissions by public bodies other than the Commonwealth of draft or adopted ordinances or resolutions to determine if the process for the selection, evaluation and award of a design-build or construction management contract is in compliance with the provisions of subdivision A. 1. of § 2.2-4308;

2. Determine if the public body has complied with the provisions of § 2.2-4308 relating to the retention of a licensed architect or engineer;

3. Review the findings and the basis of such findings submitted by the public body to determine if the public body has complied with the requirements of § 2.2-4308 and that the findings made by the public body pursuant to § 2.2-4308 are not unreasonable;

4. Develop guidelines relating to the documents and information to be reviewed by the Review Board;

5. Make post-project evaluations of construction projects procured by design-build or construction management contracts entered into by public bodies other than the Commonwealth, including cost and time savings, effectiveness of the selection, evaluation and award of such contracts, and the benefit to the public body; and

6. Report to the General Assembly and the Governor on or before December 1, 1999, and again on or before December 31, 2002, concerning the Review Board's evaluation of and findings regarding all design-build and construction management construction undertaken by public bodies other than the Commonwealth within the reporting year, and any recommendations relating to future use of design-build or construction management contracts by such public bodies. *The Review Board may make a one-time determination that a locality with a population in excess of 100,000 has the personnel, procedures, and expertise necessary to enter into contracts for construction on either a fixed price or not-to-exceed price design-build or construction management basis without the approval of the Review Board. Any projects undertaken by the local governing body after such determination shall be exempt from the approval of the Review Board but shall otherwise be in compliance with the provisions of § 2.2-4308 and all other applicable law governing design-build or construction management contracts for public bodies other than the Commonwealth.*

B. The Review Board shall adopt regulations, as it deems appropriate, based on the substantive requirements of Chapter IX of the Capital Outlay Manual of the Commonwealth, for a two-step competitive negotiation process which shall be applied to design-build and construction management projects undertaken by public bodies other than the Commonwealth. For construction management projects, such regulations shall also include applicable provisions of the Required Construction Management Contract Terms of the Capital Outlay Manual. Such regulations shall also allow the Review Board to approve deviations from provisions of the Capital Outlay Manual that it deems appropriate. Regulations of the Review Board shall be adopted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

INTRODUCED

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