

# VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

## CHAPTER 22

*An Act to amend and reenact §§ 33.1-185 and 33.1-190 of the Code of Virginia, relating to transportation projects; Commonwealth Transportation Commissioner.*

[H 631]

Approved March 1, 2010

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

**1. That §§ 33.1-185 and 33.1-190 of the Code of Virginia are amended and reenacted as follows:**

§ 33.1-185. Advertising for bids.

All projects that the Commonwealth Transportation Board *or the Commonwealth Transportation Commissioner* may undertake for construction shall, when such projects are reasonably estimated to cost \$300,000 or more, be let in accordance with Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2. When such projects are reasonably estimated to cost below \$300,000, the ~~Board~~ *Commonwealth Transportation Commissioner* may let them to contract, and, if such projects are let to contract, they shall be let only in accordance with Chapter 43 of Title 2.2.

The word "project" as used in this section shall mean construction and shall not include routine maintenance work or the installation of traffic control devices, unless such work is to be performed under contract.

§ 33.1-190. Construction by state or local employees.

A. Irrespective of the provisions of § 33.1-185, in cases of emergency or on any project reasonably estimated to cost not more than \$600,000 the ~~Board~~ *Commonwealth Transportation Commissioner* may, ~~in its~~ *at his* discretion, build or maintain any of the roads in any system of state highways by state employees or local employees as ~~the Board~~ *he* may designate.

B. Notwithstanding the provisions of subsection A, the ~~Board~~ *Commonwealth Transportation Commissioner* may enter into a written agreement with a locality for the building and maintenance of any of the roads in any system of state highways by local employees provided that: (i) the locality has obtained a cost estimate for the work of not more than \$1 million and (ii) the locality has issued an invitation for bid and has received fewer than two bids from private entities to build or maintain such roads.