

2011 SESSION

INTRODUCED

10102642D

HOUSE BILL NO. 1019

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend and reenact § 2.2-4366 of the Code of Virginia, relating to the Virginia Public Procurement Act; alternative dispute resolution.*

Patron—Hugo

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4366 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4366. Alternative dispute resolution.

*Public*A. *Except as provided in subsection B, public bodies may enter into agreements to submit disputes arising from contracts entered into pursuant to this chapter to arbitration and utilize mediation and other alternative dispute resolution procedures. However, such procedures entered into by the Commonwealth, or any department, institution, division, commission, board or bureau thereof, shall be nonbinding and subject to § 2.2-514, as applicable. Alternative dispute resolution procedures entered into by school boards shall be nonbinding.*

B. *Contractual claims submitted under § 2.2-4363 related to a construction contract entered into by or on behalf of the Virginia Community College System (the System) for which the System has not made a final decision in the time period specified in § 2.2-4363, the provisions of the contract to the contrary notwithstanding, shall be submitted for arbitration, mediation, or other alternative dispute resolution procedures. Nothing in this section shall be construed to limit the contractor's right to institute immediate legal action pursuant to § 2.2-4364.*

2. That the provisions of this act shall apply only to contractual claims submitted in accordance with § 2.2-4363 of the Code of Virginia prior to February 1, 2010.

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