

2016 SESSION

INTRODUCED

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HOUSE BILL NO. 1373

Offered January 22, 2016

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-4308.01, relating to the Virginia Public Procurement Act; local public bodies; purchase of intellectual property of proposers; disclosure in Request for Proposal.*

Patron—Davis

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-4308.01 as follows:

§ 2.2-4308.01. *Design-build contracts; purchase of intellectual property of proposers by local public bodies.*

A. *For design-build contracts where contractors have been prequalified in accordance with § 2.2-4317, a local public body may negotiate the acquisition of the intellectual property submitted by one or more proposers under the following conditions:*

1. *The public body makes a determination in advance and set forth in writing that it will be advantageous to purchase the intellectual property of an unsuccessful proposer;*

2. *Prequalification is limited to five contractors; and*

3. *The Request for Proposal includes a notice that the local public body may acquire the intellectual property rights of an unsuccessful proposer.*

B. *The use by a local public body of any design element contained in the intellectual property that has been purchased shall be at the sole risk and discretion of the local public body and shall not confer liability on the proposer.*

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