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HOUSE BILL NO. 657

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend and reenact § 2.2-4302.1 of the Code of Virginia, relating to the Virginia Public Procurement Act; competitive sealed bidding.*

Patron—Davis

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-4302.1 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-4302.1. Process for competitive sealed bidding.**

The process for competitive sealed bidding shall include the following:

1. Issuance of a written Invitation to Bid containing or incorporating by reference the specifications and contractual terms and conditions applicable to the procurement. Unless the public body has provided for prequalification of bidders, the Invitation to Bid shall include a statement of any requisite qualifications of potential contractors. No Invitation to Bid for construction services shall condition a successful bidder's eligibility on having a specified experience modification factor. When it is impractical to prepare initially a purchase description to support an award based on prices, an Invitation to Bid may be issued requesting the submission of unpriced offers to be followed by an Invitation to Bid limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation;

2. For any procurement that will receive less than 25 percent of its funding from the federal government, the Invitation to Bid shall require bidders to submit two bids. One bid shall include costs that account for wages required under the Davis-Bacon Act, 40 U.S.C. §§ 276a-276a-5, as amended, and the other bid shall include costs that account for wages as customarily paid by the bidder.

3. Public notice of the Invitation to Bid at least 10 days prior to the date set for receipt of bids by posting on the Department of General Services' central electronic procurement website or other appropriate websites. In addition, public bodies may publish in a newspaper of general circulation. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, bids may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity;

3- 4. Public opening and announcement of all bids received;

4- 5. Evaluation of bids based upon the requirements set forth in the Invitation to Bid, which may include special qualifications of potential contractors, life-cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, which are helpful in determining acceptability; and

5- 6. Award to the lowest responsive and responsible bidder. When the terms and conditions of multiple awards are so provided in the Invitation to Bid, awards may be made to more than one bidder.

For the purposes of subdivision 1, "experience modification factor" means a value assigned to an employer as determined by a rate service organization in accordance with its uniform experience rating plan required to be filed pursuant to subsection D of § 38.2-1913.

INTRODUCED

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