

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-4303.2 of the Code of Virginia, relating to the Virginia Public*  
3 *Procurement Act; job order contracting; limitations.*

[H 2071]

Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-4303.2 of the Code of Virginia is amended and reenacted as follows:**8 **§ 2.2-4303.2. Job order contracting; limitations.**

9 A. A job order contract may be awarded by a public body for multiple jobs, provided (i) the jobs  
10 require similar experience and expertise, (ii) the nature of the jobs is clearly identified in the solicitation,  
11 and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the  
12 maximum authorized in this section, whichever occurs first. Contractors may be selected through either  
13 competitive sealed bidding or competitive negotiation.

14 B. Such contracts may be renewable for two additional one-year terms at the option of the public  
15 body. The fair and reasonable prices as negotiated shall be used in determining the cost of each job  
16 performed, and the sum of all jobs performed in a one-year contract term shall not exceed \$5 million  
17 the maximum threshold amount.

18 *Beginning on July 1, 2019, the maximum threshold amount shall be \$6 million.*

19 ~~Individual~~ Subject to the maximum threshold amount, no individual job orders order shall not exceed  
20 \$500,000.

21 C. For the purposes of this section, any unused amounts from one contract term shall not be carried  
22 forward to any additional term.

23 D. Order splitting with the intent of keeping a job order under the maximum dollar amounts  
24 prescribed in subsection B is prohibited.

25 E. No public body shall issue or use a job order, under a job order contract, solely for the purpose of  
26 receiving professional architectural or engineering services that constitute the practice of architecture or  
27 the practice of engineering as those terms are defined in § 54.1-400. However, professional architectural  
28 or engineering services may be included on a job order where such professional services (i) are  
29 incidental and directly related to the job, (ii) do not exceed \$25,000 per job order, and (iii) do not  
30 exceed \$75,000 per contract term.

31 F. Job order contracting shall not be used for construction, maintenance, or asset management  
32 services for a highway, bridge, tunnel, or overpass. *However, job order contracting may be used for*  
33 *safety improvements or traffic calming measures for individual job orders up to \$250,000, subject to the*  
34 *maximum annual threshold amount established in this section.*

ENROLLED

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