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HOUSE BILL NO. 359

Offered January 8, 2020

Prefiled January 1, 2020

A *BILL to amend and reenact § 2.2-4300 of the Code of Virginia, relating to Virginia Public Procurement Act; consideration of best value concepts for construction services.*

Patron—Lopez

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-4300 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-4300. Short title; purpose; declaration of intent.**

A. This chapter may be cited as the Virginia Public Procurement Act.

B. The purpose of this chapter is to enunciate the public policies pertaining to governmental procurement from nongovernmental sources, to include governmental procurement that may or may not result in monetary consideration for either party. This chapter shall apply whether the consideration is monetary or nonmonetary and regardless of whether the public body, the contractor, or some third party is providing the consideration.

C. To the end that public bodies in the Commonwealth obtain high quality goods and services at reasonable cost, that all procurement procedures be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety, that all qualified vendors have access to public business and that no offeror be arbitrarily or capriciously excluded, it is the intent of the General Assembly that competition be sought to the maximum feasible degree, that procurement procedures involve openness and administrative efficiency, that individual public bodies enjoy broad flexibility in fashioning details of such competition, that the rules governing contract awards be made clear in advance of the competition, that specifications reflect the procurement needs of the purchasing body rather than being drawn to favor a particular vendor, and that the purchaser and vendor freely exchange information concerning what is sought to be procured and what is offered. Public bodies may consider best value concepts when procuring goods and nonprofessional *or construction* services, but not ~~construction or~~ professional services. The criteria, factors, and basis for consideration of best value and the process for the consideration of best value shall be as stated in the procurement solicitation.

INTRODUCED

HB359