

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-4336 of the Code of Virginia, relating to Virginia Public*  
3 *Procurement Act; bid bonds; construction contracts.*

4 [S 258]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-4336 of the Code of Virginia is amended and reenacted as follows:**8 **§ 2.2-4336. Bid bonds; construction contracts.**

9 A. Except in cases of emergency, all bids or proposals for nontransportation-related construction  
10 contracts in excess of \$500,000 or transportation-related projects authorized under Article 2 (§ 33.2-208  
11 et seq.) of Chapter 2 of Title 33.2 that are in excess of ~~\$250,000~~ \$350,000 and partially or wholly  
12 funded by the Commonwealth shall be accompanied by a bid bond from a surety company selected by  
13 the bidder that is authorized to do business in Virginia, as a guarantee that if the contract is awarded to  
14 the bidder, he will enter into the contract for the work mentioned in the bid. The amount of the bid  
15 bond shall not exceed five percent of the amount bid.

16 B. ~~For nontransportation-related construction contracts in excess of \$100,000 but less than \$500,000,~~  
17 ~~where the bid bond requirements are waived, prospective contractors shall be prequalified for each~~  
18 ~~individual project in accordance with § 2.2-4317.~~

19 C. No forfeiture under a bid bond shall exceed the lesser of (i) the difference between the bid for  
20 which the bond was written and the next low bid, or (ii) the face amount of the bid bond.

21 D. C. Nothing in this section shall preclude a public body from requiring bid bonds to accompany  
22 bids or proposals for construction contracts anticipated to be less than \$500,000 for  
23 nontransportation-related projects or ~~\$250,000~~ \$350,000 for transportation-related projects authorized  
24 under Article 2 (§ 33.2-208 et seq.) of Chapter 2 of Title 33.2 and partially or wholly funded by the  
25 Commonwealth.

ENROLLED

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