

1995 SESSION

INTRODUCED

LD5965492

HOUSE JOINT RESOLUTION NO. 643

Offered January 23, 1995

Establishing a joint subcommittee to study the effect of authorizing design-build and construction management contracts for public bodies.

Patrons—Woodrum, DeBoer, Diamonstein, Hull, May and Wagner; Senators: Calhoun, Colgan, Nolen and Quayle

Referred to Committee on Rules

WHEREAS, the Virginia Public Procurement Act is designed, in part, so that "public bodies in the Commonwealth obtain high quality goods and services at reasonable cost . . ."; and

WHEREAS, the procurement of goods services by competitive sealed bidding and competitive negotiation fosters competition among qualified vendors and helps ensure that public bodies receive the highest quality for the lowest prices; and

WHEREAS, the Act provides that public bodies shall procure goods and nonprofessional services related to construction through competitive sealed bidding and services of design professionals through competitive negotiation; and

WHEREAS, the Act has been amended on occasion to allow certain public bodies other than the Commonwealth to avoid the competitive sealed bidding and competitive negotiation processes by entering into contracts for specified construction projects on a fixed price design-build basis or construction management basis, with the provision that such public bodies are not required to award a design-build contract to the lowest bidder; and

WHEREAS, public bodies annually request the General Assembly to further amend the Act by adopting additional exceptions to the competitive procurement processes for public construction projects; and

WHEREAS, there has been no examination of the short-term and long-term consequences of such exceptions for design-build and construction management contracts and the resulting impact on the expenditure of public funds for such construction projects; and

WHEREAS, the authority of public bodies other than the Commonwealth to avoid the competitive sealed bidding and competitive negotiation processes by entering into contracts on a fixed price design-build basis or construction management basis should be examined for consistency with the best governmental procurement policies which promote the availability and retention of high quality goods and services at reasonable cost from qualified vendors bidding in a competitive environment and also for consistency with the short-term and long-term interests of public bodies in the expenditure of public funds for construction projects; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, that a joint subcommittee be established to study the effect of exceptions to procurement by competitive sealed bidding and competitive negotiation, which exceptions authorize public bodies other than the Commonwealth to enter into contracts for construction projects on a fixed price design-build basis or construction management basis.

The joint subcommittee shall consist of nine members to be appointed as follows: four members of the House General Laws Committee to be appointed by the Speaker of the House; two members of the Senate General Laws Committee to be appointed by the Senate Committee on Privileges and Elections; and three citizen members to be appointed by the Governor as follows: one member who is a Virginia-licensed architect or engineer employed in the private sector, one from the general contractor community and one from a local public body.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The direct costs of this study shall not exceed \$4,800.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1996 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and a certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

INTRODUCED

HJ643