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SENATE BILL NO. 609

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 28, 1996)

(Patron Prior to Substitute—Senator Lambert)

A BILL to amend and reenact § 11-41.2:1 of the Code of Virginia, relating to Public Procurement Act; design-build authority.

Be it enacted by the General Assembly of Virginia:

1. That § 11-41.2:1 of the Code of Virginia is amended and reenacted as follows:

§ 11-41.2:1. Design-build or construction management contracts for public bodies other than the Commonwealth authorized.

Notwithstanding any other provisions of law to the contrary: (i) the City of Richmond may enter into a contract for the construction of a visitors' center; (ii) Prince William County and the Cities of Manassas and Manassas Park may enter into a contract for the construction of a regional jail; (iii) the Counties of Fluvanna, Greene, Louisa, Madison and Orange may enter into a contract for a regional jail; (iv) the City of Norfolk may enter into a contract for construction of a jail and construction of a replacement public health center; (v) the City of Winchester and the Counties of Clarke and Frederick may enter into a contract for the construction of an adult regional detention facility; (vi) the Counties of King George and Spotsylvania, the City of Fredericksburg, and any other counties which are members of the Rappahannock Regional Jail Board may enter into a contract for the construction of a regional jail; (vii) the County of Henrico may enter into a contract for enlargement or renovation of its existing jail or the Counties of Henrico, Goochland and New Kent may enter into a contract for the construction of a regional jail; (viii) the Counties of King George, Richmond, and Westmoreland and the Town of Warsaw, or any combination of three or more of those localities, may enter into a contract for the construction of a regional jail; (ix) the Counties of Alleghany and Bath and the Cities of Covington and Clifton Forge, or any three, may enter into a contract for construction of a regional jail; (x) Albemarle County and the City of Charlottesville may enter into a contract for the construction of an addition to the Albemarle-Charlottesville Joint Security Complex; (xi) the City of Chesapeake may enter into a contract for the construction of a replacement for the Jordan Bridge; (xii) the County of Northampton may enter into a contract for the construction of a jail; (xiii) any political subdivision either individually or in conjunction with other political subdivisions may enter into a contract for the construction of a materials recovery facility or a solid waste processing facility; (xiv) any city with a 1990 United States Census population in excess of 350,000 persons may enter into a contract for the construction of a long-term water supply project from the Roanoke River and the expansion of a Marine Science Museum; (xv) the City of Chesapeake may enter into a contract for the renovation of its existing jail and the construction of a new jail; (xvi) the Town of Vienna may enter into contracts for the construction of a Public Works and Maintenance Buildings Project at the Northside Property Yard, and reconstruction of the Town Hall to comply with the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), and relocation of utilities and reconstruction of bus shelters, sidewalks, driveway aprons and crosswalks and landscaping along the Maple Avenue Business District; (xvii) the County of Frederick may enter into a contract for the construction of county administrative offices; (xviii) the Counties of James City and York, and the Cities of Poquoson and Williamsburg may enter into a contract for the construction of the Virginia Peninsula Regional Jail; (xix) the Counties of Essex, Mathews, Middlesex, King and Queen and King William may enter into a contract for the construction of the Middle Peninsula Regional Security Center; (xx) the County of Powhatan may enter into a contract for the renovation of the former public school building; (xxi) the Virginia Baseball Stadium Authority may enter into a contract for the construction of a major league baseball stadium in Northern Virginia Planning District 8; (xxii) the school board of any county with a population of less than 100,000 and adjacent to a county having the urban county executive form of government may enter into contracts for the construction of two public schools; (xxiii) the school board of any city with a population between 16,100 and 18,100 may enter into a contract for the renovation and improvement of a public school; and (xxiv) any county with a population in excess of 200,000 and adjacent to a county having the urban county executive form of government may enter into contracts for the construction of a biotechnology laboratory, office, and warehouse facility; (xxv) the school board of the City of Richmond may enter into contracts for the construction of three public schools and the renovation of one public school; (xxvi) the City of Chesapeake may enter into contracts for the improvement of South Battlefield Boulevard; (xxvii) the school board of Accomack County may enter into contracts for the construction of four public schools and the renovation of two public schools; (xxviii) the County of Culpeper may enter into a contract for the construction of an elementary school; and (xxix) the County of Loudoun or its industrial

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60 *development authority may enter into contracts for the expansion or replacement of the Loudoun County*
61 *Courthouse, on a fixed price or not-to-exceed price design-build basis or construction management basis*
62 *in accordance with procedures consistent with those described in this chapter for procurement of*
63 *nonprofessional services through competitive negotiation. Such governing bodies may authorize payment*
64 *to no more than three responsive bidders who are not awarded the design-build contract if such*
65 *governing bodies determine that such payment is necessary to promote competition. Such governing*
66 *bodies shall not be required to award a design-build contract to the lowest bidder, but may consider*
67 *price as one factor in evaluating the proposals received. Such governing bodies shall maintain adequate*
68 *records to allow post-project evaluation by the Commonwealth.*

69 For purposes of this section, "materials recovery facility" shall mean a facility receiving source
70 separated recyclable materials and processing them for the secondary materials market, and "solid waste
71 processing facility" shall mean a facility which specializes in the recovery of recyclable and reusable
72 materials from a solid waste stream and which may include the production of fuel or compost or both.

73 **2. That the authority for the construction or renovation of a particular project granted under the**
74 **provisions of this act shall expire on January 1, 1997 unless a design-build or construction**
75 **management contract is entered into by the public body on or before January 1, 1997.**