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## SENATE BILL NO. 612

Offered January 22, 1996

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

Patrons—Lambert and Marsh; Delegates: Cunningham and McEachin

Referred to the Committee on General Laws

**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; and (xxv) the school board of the City of Richmond may enter into contracts for necessary school buildings and appurtenances including related leases, lease/purchase/operating contracts, and similar financing agreements, on a fixed price or not-to-exceed price design-build basis or construction management basis in accordance with procedures consistent with

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60 those described in this chapter for procurement of nonprofessional services through competitive  
61 negotiation. Such governing bodies may authorize payment to no more than three responsive bidders  
62 who are not awarded the design-build contract if such governing bodies determine that such payment is  
63 necessary to promote competition. Such governing bodies shall not be required to award a design-build  
64 contract to the lowest bidder, but may consider price as one factor in evaluating the proposals received.  
65 Such governing bodies shall maintain adequate records to allow post-project evaluation by the  
66 Commonwealth.

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