

2007 SESSION

INTRODUCED

070034348

HOUSE BILL NO. 2582

Offered January 10, 2007

Prefiled January 10, 2007

A *BILL to amend and reenact § 2.2-4309 of the Code of Virginia, relating to the Virginia Public Procurement Act; modification of contracts.*

Patron—Janis

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4309 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4309. Modification of the contract.

A. A public contract may include provisions for modification of the contract during performance, but no fixed-price contract may be increased by more than twenty-five percent of the amount of the contract or \$50,000, whichever is greater, without the advance written approval of the Governor or his designee, in the case of state agencies, or the governing body, in the case of political subdivisions. In no event may the amount of any contract, without adequate consideration, be increased for any purpose, including, but not limited to, relief of an offeror from the consequences of an error in its bid or offer. *The provisions permitted by this section shall include modifications for differing site conditions or price escalations or de-escalations.*

B. Any public body may extend the term of an existing contract for services to allow completion of any work undertaken but not completed during the original term of the contract.

C. Nothing in this section shall prevent any public body from placing greater restrictions on contract modifications.

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