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**HOUSE BILL NO. 1994**

Offered January 9, 2013

Prefiled January 9, 2013

A *BILL to amend and reenact § 2.2-4331 of the Code of Virginia, relating to the Virginia Public Procurement Act; contract pricing arrangements.*

Patrons—Massie and LeMunyon

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-4331 of the Code of Virginia is amended and reenacted as follows:**

**§ 2.2-4331. Contract pricing arrangements.**

A. Except as prohibited in this section, public contracts may be awarded on a fixed price or cost reimbursement basis, or on any other basis that is not prohibited.

B. Except in case of emergency affecting the public health, safety, or welfare, no public contract shall be awarded on the basis of cost plus a percentage of cost.

C. ~~A policy or contract of insurance or prepaid coverage having a premium computed on the basis of claims paid or incurred, plus the insurance carrier's administrative costs and retention stated in whole or part as a percentage of such claims;~~ *The following contract pricing arrangements shall not be prohibited by this section:*

*1. A policy or contract of insurance or prepaid coverage having a premium computed on the basis of claims paid or incurred, plus the insurance carrier's administrative costs and retention stated in whole or part as a percentage of such claims; or*

*2. A cost plus a percentage of the private investment made by a private entity as a basis for the procurement of commercial or financial consulting services related to a qualifying transportation facility under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) or a qualifying project under the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where the commercial or financial consulting services are sought to solicit or to solicit and evaluate proposals for the qualifying transportation facility or the qualifying project. As used in this section, "private entity" and "qualifying transportation facility" mean the same as those terms are defined in § 56-557 and "qualifying project" means the same as that term is defined in § 56-575.1.*

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