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HOUSE BILL NO. 1628

House Amendments in [] — February 9, 2015

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

Patron Prior to Engrossment—Delegate Albo

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.

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.

D. *The provisions of this section shall not limit the amount a party to a public contract may claim or recover against a public body pursuant to § 2.2-4363 or any other applicable statute or regulation. Modifications [made by a political subdivision] that fail to comply with this section are voidable at the discretion of the [Governor or his designee, in the case of state agencies, or the governing body, in the case of political subdivisions, and governing body, and] the unauthorized approval of a modification cannot be the basis of a contractual claim as set forth in § 2.2-4363.*

ENGROSSED

HB1628E