

JULY, 2016

CHAPTER 43

TITLE 2.2.

Virginia Public Procurement Act

Article 1.

General Provisions

- 2.2-4300. Short title; purpose; declaration of intent.
- 2.2-4301. Definitions.
- 2.2-4302. Implementation.
- 2.2-4302.1. Process for competitive sealed bidding.
- 2.2-4302.2. Process for competitive negotiation.

Article 2.

Contract Formation and Administration

- 2.2-4303. Methods of procurement.
- 2.2-4303.1. Architectural and professional engineering term contracting; limitations.
- 2.2-4303.2. Job order contracting; limitations.
- 2.2-4304. Joint and cooperative procurement.
- 2.2-4305. Competitive procurement by localities on state-aid projects.
- 2.2-4306. Design-build or construction management contracts for Commonwealth authorized.
- 2.2-4307. Fixed-price or not-to-exceed-price design-build and construction management contracts for juvenile correctional facilities authorized.
- 2.2-4308. Design-build or construction management contracts for public bodies other than the Commonwealth; eligibility requirements; award of contract; records to be kept.

- 2.2-4308.1. Purchase of owner-controlled insurance in construction projects.
- 2.2-4308.2. Registration and use of federal employment eligibility verification program required; debarment.
- 2.2-4309. Modification of the contract.
- 2.2-4310. Discrimination prohibited; participation of small, women-owned, minority-owned, and service disabled veteran-owned business and employment services organization.
 - 2.2-4310.1. Awards as a result of any authorized enhancement or remedial measure; requirements.
 - 2.2-4310.2. State agency's goals for participation by small businesses; requirements.
 - 2.2-4310.3. Fiscal data pertaining to certain enhancement or remedial measures.
- 2.2-4311. Employment discrimination by contractor prohibited; required contract provisions.
 - 2.2-4311.1. Compliance with federal, state, and local laws and federal immigration law; required contract provisions.
 - 2.2-4311.2. Compliance with state law; foreign and domestic businesses authorized to transact business in the Commonwealth.
- 2.2-4312. Drug-free workplace to be maintained by contractor; required contract provisions.
- 2.2-4313. Petition for recycled goods and products; periodic review of procurement standards.
- 2.2-4314. Petition for procurement of less toxic goods and products; periodic review of procurement standards.
- 2.2-4315. Use of brand names.
- 2.2-4316. Comments concerning specifications.
- 2.2-4317. Prequalification generally; prequalification for construction.
- 2.2-4318. Negotiation with lowest responsible bidder.
- 2.2-4319. Cancellation, rejection of bids; waiver of informalities.

- 2.2-4320. Exclusion of insurance bids prohibited.
- 2.2-4321. Debarment.
 - 2.2-4321.1. Prohibited contracts; exceptions; determination by Department of Taxation; appeal; remedies.
 - 2.2-4321.2. Public works contract requirements.
- 2.2-4322. Acceptance of bids submitted to the Department of Transportation.
- 2.2-4323. Purchase programs for recycled goods; agency responsibilities.
 - 2.2-4323.1. (Effective July 1, 2017) Purchase of flags of the United States and the Commonwealth by public bodies.
- 2.2-4324. Preference for Virginia products with recycled content and for Virginia firms.
- 2.2-4325. Preference for Virginia coal used in state facilities.
- 2.2-4326. Preference for recycled paper and paper products used by state agencies.
- 2.2-4327. Preference for community reinvestment activities in contracts for investment of funds.
- 2.2-4328. Preference for local products and firms; applicability.
- 2.2-4329. [Expired.]
 - 2.2-4329.1. Energy forward pricing mechanisms.
- 2.2-4330. Withdrawal of bid due to error.
- 2.2-4331. Contract pricing arrangements.
- 2.2-4332. Workers' compensation requirements for construction contractors and subcontractors.
- 2.2-4333. Retainage on construction contracts.
- 2.2-4334. Deposit of certain retained funds on certain contracts with local governments; penalty for failure to timely complete.
- 2.2-4335. Public construction contract provisions barring damages for unreasonable delays declared void.

- 2.2-4336. Bid bonds.
- 2.2-4337. Performance and payment bonds.
- 2.2-4338. Alternative forms of security.
- 2.2-4339. Bonds on other than construction contracts.
- 2.2-4340. Action on performance bond.
- 2.2-4341. Actions on payment bonds; waiver of right to sue.
- 2.2-4342. Public inspection of certain records.

Article 3.

Exemptions and Limitations

- 2.2-4343. Exemption from operation of chapter for certain transactions.
- 2.2-4343.1. Permitted contracts with certain religious organizations; purpose; limitations.
- 2.2-4344. Exemptions from competition for certain transactions.
- 2.2-4345. Exemptions from competitive sealed bidding and competitive negotiation for certain transactions; limitations.
- 2.2-4346. Other exemptions for certain transactions.

Article 4.

Prompt Payment.

- 2.2-4347. Definitions.
- 2.2-4348. Exemptions.
- 2.2-4349. Retainage to remain valid.
- 2.2-4350. Prompt payment of bills by state agencies.
- 2.2-4350.1 Prohibition on payment without an appropriation; prohibition on IOUs.

- 2.2-4351. Defect or impropriety in the invoice or goods and/or services received.
- 2.2-4352. Prompt payment of bills by localities.
- 2.2-4353. Date of postmark deemed to be date payment is made.
- 2.2-4354. Payment clauses to be included in contracts.
- 2.2-4355. Interest penalty; exceptions.
- 2.2-4356. Comptroller to file annual report.

Article 5.

Remedies

- 2.2-4357. Ineligibility.
- 2.2-4358. Appeal of denial of withdrawal of bid.
- 2.2-4359. Determination of nonresponsibility.
- 2.2-4360. Protest of award or decision to award.
- 2.2-4361. Effect of appeal upon contract.
- 2.2-4362. Stay of award during protest.
- 2.2-4363. Contractual disputes.
- 2.2-4364. Legal actions.
- 2.2-4365. Administrative appeals procedure.
- 2.2-4366. Alternative dispute resolution.

Article 6.

Ethics in Public Contracting

- 2.2-4367. Purpose.
- 2.2-4368. Definitions.

- 2.2-4369. Proscribed participation by public employees in procurement transactions.
- 2.2-4370. Disclosure of subsequent employment.
- 2.2-4371. Prohibition on solicitation or acceptance of gifts; gifts by bidders, offerors, contractor or subcontractors prohibited.
- 2.2-4372. Kickbacks.
- 2.2-4373. Participation in bid preparation; limitation on submitting bid for same procurement.
- 2.2-4374. Purchase of building materials, etc., from architect or engineer prohibited.
- 2.2-4375. Certification of compliance required; penalty for false statements.
- 2.2-4376. Misrepresentations prohibited.
- 2.2-4376.1. Contributions and gifts; prohibition during procurement process.
- 2.2-4377. Penalty for violation.