

HB 8 Public procurement; agreements with labor organizations.

Chief patron: Krizek

A BILL to repeal § 2.2-4321.2 of the Code of Virginia, relating to contracts with state agencies for public works; agreements with labor organizations.

18100705D

Summary as introduced:

Public procurement; agreements with labor organizations. Repeals provisions requiring state agencies to ensure that neither the state agency nor any construction manager acting on behalf of the state agency, in its bid specifications, project agreements, or other controlling documents relating to the operation, erection, construction, alteration, improvement, maintenance, or repair of any public facility of public works, (i) requires or prohibits bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or related projects, or (ii) discriminates against bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or related public works projects.

11/20/17 House: Prefiled and ordered printed; offered 01/10/18 18100705D

11/20/17 House: Referred to Committee on Rules

01/24/18 House: Impact statement from DPB (HB8)

HB 78 Professional and Occupational Regulation, Department of; waiver of first-time licensing fees.

Chief patron: Yancey

A BILL to amend and reenact § 54.1-201 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-201.2, relating to the Department of Professional and Occupational Regulation; waiver of first-time licensing fees for low-income applicants.

18100913D

Summary as introduced:

Department of Professional and Occupational Regulation; waiver of first-time licensing fees for low-income applicants. Requires any regulatory board within the Department of Professional and Occupational Regulation to waive the initial application fee for any low-income individual applying for any license, certificate, or registration issued by the regulatory board or the Department. The bill defines "low-income individual" as any individual whose gross annual income is less than \$25,000 per year.

12/06/17 House: Prefiled and ordered printed; offered 01/10/18 18100913D
12/06/17 House: Referred to Committee on General Laws
01/17/18 House: Assigned GL sub: Subcommittee #1

HB 97 Virginia Public Procurement Act; methods of procurement, single or term contracts.

Chief patron: Bell, John J.

A BILL to amend and reenact § 2.2-4303 of the Code of Virginia, relating to the Virginia Public Procurement Act; methods of procurement; single or term contracts for professional services.

18102038D

Summary as introduced:

Virginia Public Procurement Act; methods of procurement; single or term contracts for professional services. Increases the maximum permissible aggregate or sum of all phases of single or term contracts for professional services that may be procured without requiring competitive negotiation from \$60,000 to \$100,000.

12/13/17 House: Prefiled and ordered printed; offered 01/10/18 18102038D
12/13/17 House: Referred to Committee on General Laws
01/24/18 House: Impact statement from DPB (HB97)

HB 98 Virginia Public Procurement Act; competitive negotiation for professional services.

Chief patron: Bell, John J.

A BILL to amend and reenact § 2.2-4302.2 of the Code of Virginia, relating to the Virginia Public Procurement Act; competitive negotiation; professional services; simultaneous negotiation.

18101299D

Summary as introduced:

Virginia Public Procurement Act; competitive negotiation for professional services. Provides that for competitive negotiation for professional services, a public body may conduct negotiations simultaneously with the top two ranked offerors if the public body does not request or discuss nonbinding estimates of total project costs at the discussion stage and as long as such process is set forth in the Request for Proposal.

12/13/17 House: Prefiled and ordered printed; offered 01/10/18 18101299D
12/13/17 House: Referred to Committee on General Laws
01/19/18 House: Impact statement from DPB (HB98)

HB 101 Tradesmen; expiration date of licenses issued by Board for Contractors.

Chief patron: Head

A BILL to amend and reenact § 54.1-1132 of the Code of Virginia, relating to Board for Contractors; tradesmen licenses; expiration date.

18101698D

Summary as introduced:

Board for Contractors; tradesmen licenses; expiration date. Provides that licenses for tradesmen shall expire three years from the date of issuance by the Board for Contractors. The bill requires the Board to sync the expiration date of a tradesman license, which is currently on a two-year cycle, to updates to the Uniform Statewide Building Code, which are typically on a three-year cycle.

12/13/17 House: Prefiled and ordered printed; offered 01/10/18 18101698D

12/13/17 House: Referred to Committee on General Laws

01/17/18 House: Assigned GL sub: Subcommittee #2

01/18/18 House: Impact statement from DPB (HB101)

01/18/18 House: Subcommittee recommends reporting (5-Y 3-N)

HB 127 Construction fraud; penalty.

Chief patron: Cole

A BILL to amend and reenact § 18.2-200.1 of the Code of Virginia, relating to construction fraud; penalty.

18101401D

Summary as introduced:

Construction fraud; penalty. Revises the crime of construction so that a person is guilty if he fraudulently fails or refuses to perform a promise for construction after having obtained an advance of money or other thing of value to do so. Currently, in order for a person to be guilty, he must have obtained the advance with fraudulent intent.

12/18/17 House: Prefiled and ordered printed; offered 01/10/18 18101401D

12/18/17 House: Referred to Committee for Courts of Justice

12/21/17 House: Impact statement from VCSC (HB127)

HB 164 Contractors, Board for; prerequisites to obtaining a building permit.

Chief patron: Yancey

A BILL to amend and reenact § 54.1-1111 of the Code of Virginia, relating to Board for Contractors; prerequisites to obtaining a building permit; elimination of affidavit requirement for written statements.

18102001D

Summary as introduced:

Board for Contractors; prerequisites to obtaining a building permit; elimination of affidavit requirement. Removes the requirement that a building permit applicant's written statement that he is not subject to licensure or certification as a contractor or subcontractor be supported by an affidavit. The bill contains technical amendments.

12/21/17 House: Prefiled and ordered printed; offered 01/10/18 18102001D

12/21/17 House: Referred to Committee on General Laws

01/14/18 House: Impact statement from DPB (HB164)

01/17/18 House: Assigned GL sub: Subcommittee #2

HB 179 Public facilities; bonds issued for construction, municipal authority to retain certain tax revenue.

Chief patron: Collins

A BILL to amend and reenact § 58.1-608.3 of the Code of Virginia, relating to bonds issued for the construction of public facilities; municipal authority to retain sales tax revenues from such facilities.

18101412D

Summary as introduced:

Bonds issued for the construction of public facilities; municipal authority to retain sales tax revenues from such facilities. Extends until July 1, 2020, the authority of any municipality to issue bonds for the construction of certain public facilities and retain sales and use tax revenue generated within such facilities to pay off such bonds. Under current law, such authority expired on July 1, 2017.

01/24/18 House: Read first time

01/25/18 House: Read second time

01/25/18 House: Committee amendment agreed to

01/25/18 House: Engrossed by House as amended HB179E

01/25/18 House: Printed as engrossed 18101412D-E

HB 193 Virginia Public Procurement Act; bid match preference for Virginia businesses.

Chief patron: Bell, Richard P.

A BILL to amend and reenact § 2.2-4324 of the Code of Virginia, relating to the Virginia Public Procurement Act; bid match preference for Virginia businesses.

18102440D

Summary as introduced:

Virginia Public Procurement Act; bid match preference for Virginia businesses. Provides a bid match preference for Virginia businesses. Under the bill, for contracts of \$5,000 or more, a Virginia business has an opportunity to match the lowest bid of an out-of-state bidder if the bid of a Virginia business is within five percent of the lowest bid of an out-of-state bidder.

12/27/17 House: Prefiled and ordered printed; offered 01/10/18 18102440D

12/27/17 House: Referred to Committee on General Laws

HB 237 One-stop small business permitting program; extends sunset date.

Chief patron: Kilgore

A BILL to amend and reenact § 2.2-1617 of the Code of Virginia, relating to the one-stop small business permitting program.

18101898D

Summary as introduced:

One-stop small business permitting program. Extends the date by which the State Corporation Commission and the Department of Small Business and Supplier Diversity are required to complete aspects of the one-stop small business permitting program from June 30, 2018, to January 1, 2020. The measure also (i) deletes a provision regarding the implementation of a hyperlink in 2014, (ii) amends the description of the processes to be established for the electronic collection and exchange of data or information, and (iii) deletes requirements for biannual progress reports.

01/19/18 House: Read second time and engrossed

01/22/18 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)

01/22/18 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)

01/23/18 Senate: Constitutional reading dispensed

01/23/18 Senate: Referred to Committee on General Laws and Technology

HB 257 Virginia Public Procurement Act; clarifies definitions of responsible bidder or offeror.

Chief patron: Hope

A BILL to amend and reenact § 2.2-4301 of the Code of Virginia, relating to the Virginia Public Procurement Act; definitions; responsible bidder or offeror.

18102611D

Summary as introduced:

Virginia Public Procurement Act; definitions; responsible bidder or offeror. Clarifies the definition of "responsible bidder" or "offeror" in the procurement act to provide that a determination of whether a bidder or offeror is responsible shall include a consideration of the bidder's or offeror's previous experience.

01/02/18 House: Prefiled and ordered printed; offered 01/10/18 18102611D

01/02/18 House: Referred to Committee on General Laws

HB 306 Public Procurement Act; preference for business participating Va. Registered Apprenticeship program.

Chief patron: Watts

A BILL to amend and reenact § 2.2-4324 of the Code of Virginia, relating to the Virginia Public Procurement Act; preference for businesses participating in Virginia Registered Apprenticeship program.

18102845D

Summary as introduced:

Virginia Public Procurement Act; preference for businesses participating in Virginia Registered Apprenticeship program. Authorizes a public body to give preference to the lowest responsive and responsible bidder (i) who is a resident of Virginia, (ii) who participates in the Virginia Registered Apprenticeship program administered by the Virginia Department of Labor and Industry, and (iii) whose bid is within three percent of the lowest bid price.

01/03/18 House: Prefiled and ordered printed; offered 01/10/18 18102845D

01/03/18 House: Referred to Committee on General Laws

HB 398 Virginia Public Procurement Act; bid, performance, and payment bonds, waiver by localities, sunset.

Chief patron: Davis

A BILL to amend Chapter 789 of the Acts of Assembly of 2017 by adding a second enactment, relating to the Virginia Public Procurement Act; bid, performance, and payment bonds; waiver by localities; sunset.

18102197D

Summary as introduced:

Virginia Public Procurement Act; bid, performance, and payment bonds; waiver by localities; sunset. Adds a sunset date of July 1, 2021 to the provisions (i) authorizing a locality,

where the bid, performance, and payment bond requirements are waived, to waive the requirement for prequalification for a bidder or contractor with a current Class A contractor license for nontransportation-related construction contracts in excess of \$100,000 but less than \$300,000 upon a written determination made in advance by the local governing body that waiving the requirement is in the best interests of the locality and (ii) prohibiting localities from entering into more than 10 such contracts per year.

01/05/18 House: Prefiled and ordered printed; offered 01/10/18 18102197D

01/05/18 House: Referred to Committee on General Laws

01/12/18 House: Impact statement from DHCD (HB398)

01/19/18 House: Assigned GL sub: Subcommittee #1

HB 442 Career and technical education credentials; testing accommodations for English language learners.

Chief patron: Carroll Foy

A BILL to amend and reenact § 22.1-253.13:4 of the Code of Virginia, relating to career and technical education credentials; testing accommodations for English language learners.

18102028D

Summary as introduced:

Career and technical education credentials; testing accommodations for English language learners. Requires the Department of Education to develop, maintain, and make available to each local school board a catalogue of the testing accommodations available to English language learners for each certification, examination, assessment, and battery that satisfies the career and technical education credential graduation requirement. The bill requires each local school board to develop and implement policies to ensure that, to the greatest extent practicable, any such testing accommodation is made available to each English language learner in the local school division who participates in the relevant certification, examination, assessment, or battery. The bill has a delayed effective date of July 1, 2019.

01/06/18 House: Prefiled and ordered printed; offered 01/10/18 18102028D

01/06/18 House: Referred to Committee on Education

01/15/18 House: Impact statement from DPB (HB442)

01/19/18 House: Assigned Education sub: Subcommittee #2

01/24/18 House: Subcommittee recommends reporting with substitute (10-Y 0-N)

HB 473 Virginia Public Procurement Act; use of best value contracting.

Chief patron: Reid

A BILL to amend and reenact §§ 2.2-4300, 2.2-4301, and 2.2-4302.2 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 43 of Title 2.2 an article numbered 7,

consisting of sections numbered 2.2-4377.1, 2.2-4377.2, and 2.2-4377.3, relating to the Virginia Public Procurement Act; use of best value contracting.

18101481D

Summary as introduced:

Virginia Public Procurement Act; use of best value contracting. Authorizes the use of best value contracting by all public bodies. The bill sets forth the requirements for any procurement process that uses best value concepts.

01/07/18 House: Prefiled and ordered printed; offered 01/10/18 18101481D

01/07/18 House: Referred to Committee on General Laws

HB 513 Small Business and Supplier Diversity, Department of; implementation of certification programs.

Chief patron: Wilt

A BILL to amend and reenact §§ 2.2-1604, 2.2-1605, 2.2-1606, and 2.2-4310 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-1606.1, relating to the Department of Small Business and Supplier Diversity; implementation of certification programs for small businesses; definition of small business; report.

18100985D

Summary as introduced:

Department of Small Business and Supplier Diversity; implementation of certification programs for small businesses; definition of small business; report. Changes the definition of small business, beginning July 1, 2019, to meet the small business size standards established by the regulations of the U.S. Small Business Administration. The bill provides that any business entity that the Department of Small Business and Supplier Diversity (the Department) has certified as a small business prior to July 1, 2019, shall have such certification extended for a three-year period. The bill also provides that the Director of the Department adopt regulations that will, beginning July 1, 2019, establish a three-year certification period for small businesses to be based on the dominant business activity of each small business entity. The bill (i) includes a definition of "dominant business activity"; (ii) provides for the Department to enter into a memorandum of understanding with appropriate agencies establishing provisions for the sharing of information consistent with the requirements of state and federal law; (iii) authorizes the Director to terminate a contract with any independent certifying entities to assist in the certification of small, women-owned, and minority-owned businesses based on performance or a written determination by the Director that continuing the contract is not practicable, and (iv) requires the Secretary of Commerce and Trade to evaluate the effect of the implementation of the new definition at three-year intervals, reporting to the Governor and General Assembly by December 1, 2022, and December 1, 2025.

01/08/18 House: Prefiled and ordered printed; offered 01/10/18 18100985D
01/08/18 House: Referred to Committee on General Laws
01/19/18 House: Assigned GL sub: Subcommittee #4

HB 544 High School to Work Partnerships; establishment, exemptions.

Chief patron: Freitas

A BILL to amend and reenact §§ 22.1-17.3 and 22.1-227.1 of the Code of Virginia, relating to High School to Work Partnerships; establishment; exemptions.

18101051D

Summary as introduced:

High School to Work Partnerships; establishment; exemptions. Permits each local school board to (i) establish High School to Work Partnerships (Partnerships) between public high schools and local businesses to create opportunities for high school students to (a) participate in an apprenticeship, internship, or job shadow program in a variety of trades and skilled labor positions or (b) tour local businesses and meet with owners and employees or (ii) delegate the authority to establish Partnerships to the local school division's career and technical education administrator or his designee, in collaboration with the guidance counselor office of each public high school in the school division. The bill requires such local school boards to educate high school students about opportunities available through such Partnerships. The bill also requires the Board of Education, the Department of Labor and Industry, and the State Board for Community Colleges to identify Partnerships that may be eligible for exemptions from certain federal and state labor laws and regulations and establish procedures by which such exemptions may be obtained for such Partnerships.

01/08/18 House: Prefiled and ordered printed; offered 01/10/18 18101051D
01/08/18 House: Referred to Committee on Education
01/19/18 House: Assigned Education sub: Subcommittee #3
01/23/18 House: Impact statement from DPB (HB544)

HB 557 Virginia Public Procurement Act; public works contract requirements, apprenticeship utilization.

Chief patron: Krizek

A BILL to amend the Code of Virginia by adding a section numbered 2.2-4321.3, relating to the Virginia Public Procurement Act; public works contract requirements; apprenticeship utilization.

18100847D

Summary as introduced:

Virginia Public Procurement Act; public works contract requirements; apprenticeship utilization. Creates minimum requirements for the use of apprentices in public works projects

paid for in whole or in part by state funds. The bill provides that the failure of a contractor to comply with the apprentice utilization requirement shall be (i) deemed a breach of contract entitling the contracting agency to all remedies allowed by law and under the contract and (ii) considered as evidence bearing upon a contractor's qualification for the award of future contracts.

01/08/18 House: Prefiled and ordered printed; offered 01/10/18 18100847D

01/08/18 House: Referred to Committee on General Laws

HB 565 Synthetic turf; 3-year moratorium on installation of turf that contains recycled crumb rubber.

Chief patron: Gooditis

A BILL to place a three-year moratorium on installation of synthetic turf that contains recycled crumb rubber from waste tires at schools and recreational parks.

18100899D

Summary as introduced:

Three-year moratorium on installation of synthetic turf that contains recycled crumb rubber from waste tires at schools and recreational parks. Places a three-year moratorium on the installation of synthetic turf that contains recycled crumb rubber from waste tires within the boundaries of a public or private elementary or secondary school, public or private preschool, or recreational park by any (i) public or private elementary or secondary school, (ii) public or private preschool, or (iii) local governing body. The bill also requires the Virginia Department of Health, in coordination with the Virginia Department of Conservation and Recreation and the Virginia Department of Education, to analyze the potential adverse health effects of synthetic turf that contains recycled crumb rubber from waste tires and report its findings to the General Assembly no later than July 1, 2019.

01/08/18 House: Prefiled and ordered printed; offered 01/10/18 18100899D

01/08/18 House: Referred to Committee on Rules

01/19/18 House: Assigned Rules sub: Subcommittee #1

01/23/18 House: Impact statement from DPB (HB565)

HB 574 Va. Public Procurement Act; cooperative procurement, stream restoration & stormwater management.

Chief patron: Hodges

A BILL to amend and reenact § 2.2-4304 of the Code of Virginia, relating to the Virginia Public Procurement Act; cooperative procurement; stream restoration and stormwater management.

18104419D

Summary as introduced:

Virginia Public Procurement Act; cooperative procurement; stream restoration and stormwater management. Excludes the purchase of (i) stream restoration and (ii) stormwater management practices, and all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction.

01/08/18 House: Prefiled and ordered printed; offered 01/10/18 18104419D

01/08/18 House: Referred to Committee on General Laws

01/24/18 House: Assigned GL sub: Subcommittee #4

HB 608 Virginia Public Procurement Act; high-risk contracts, report.

Chief patron: Carr

A BILL to amend the Code of Virginia by adding a section numbered 2.2-4303.01, relating to the Virginia Public Procurement Act; high-risk contracts; report.

18104363D

Summary as introduced:

Virginia Public Procurement Act; high-risk contracts; report. Requires the Department of General Services (DGS), the Virginia Information Technologies Agency (VITA), and the Office of the Attorney General, as appropriate, to review contract solicitations and contracts for any public contract for goods, services, insurance, or construction that meets the definition of high-risk contract provided in the bill. Employees designated as primary administrators of high-risk contracts are required to complete a training program on effective contract administration created by DGS and VITA pursuant to requirements of the bill prior to commencing high-risk contract administration duties. Some provisions of the bill have delayed effective dates for implementation of the high-risk contract training and review processes.

01/08/18 House: Prefiled and ordered printed; offered 01/10/18 18104363D

01/08/18 House: Referred to Committee on General Laws

01/24/18 House: Assigned GL sub: Subcommittee #4

HB 657 Virginia Public Procurement Act; competitive sealed bidding.

Chief patron: Davis

A BILL to amend and reenact § 2.2-4302.1 of the Code of Virginia, relating to the Virginia Public Procurement Act; competitive sealed bidding.

18102184D

Summary as introduced:

Virginia Public Procurement Act; competitive sealed bidding. Requires bidders to submit two bids for any procurement that will receive less than 25 percent of its funding from the

federal government. One bid shall include costs that account for wages required under the Davis-Bacon Act, 40 U.S.C. §§ 276a-276a-5, as amended, and the other bid shall include costs that account for wages as customarily paid by the bidder.

01/09/18 House: Prefiled and ordered printed; offered 01/10/18 18102184D

01/09/18 House: Referred to Committee on General Laws

HB 724 Virginia Public Procurement Act; amends prompt payment provisions, etc.

Chief patron: Plum

A BILL to amend and reenact § 2.2-4347 of the Code of Virginia, relating to the Virginia Public Procurement Act; prompt payment; payment date.

18103291D

Summary as introduced:

Virginia Public Procurement Act; prompt payment; payment date. Amends the prompt payment provisions of the Virginia Public Procurement Act by changing the definition of "payment date" from 30 days to 15 days after receipt of a proper invoice by the state agency, where a contract does not specify the payment date.

01/09/18 House: Prefiled and ordered printed; offered 01/10/18 18103291D

01/09/18 House: Referred to Committee on General Laws

01/24/18 House: Assigned GL sub: Subcommittee #4

HB 725 Small businesses; change in definition.

Chief patron: Plum

A BILL to amend and reenact §§ 2.2-1604, 2.2-1617, and 2.2-4310 of the Code of Virginia, relating to the Department of Small Business and Supplier Diversity; Virginia Public Procurement Act; definition of small business.

18103375D

Summary as introduced:

Department of Small Business and Supplier Diversity; Virginia Public Procurement Act; definition of small business. Changes the requirements of the definition of small business for the purposes of programs of the Department of Small Business and Supplier Diversity and the Virginia Public Procurement Act to require the business, together with affiliates, to have 250 or fewer employees and average annual gross receipts of \$10 million or less averaged over the previous three years. Currently for these programs, a business is required to meet one or the other of these conditions to be considered a small business.

01/09/18 House: Prefiled and ordered printed; offered 01/10/18 18103375D
01/09/18 House: Referred to Committee on General Laws
01/19/18 House: Assigned GL sub: Subcommittee #4
01/23/18 House: Subcommittee recommends striking from docket (8-Y 0-N)

HB 726 Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.

Chief patron: Plum

A BILL to amend and reenact §§ 2.2-1604, 2.2-1605, 2.2-4310, 2.2-4310.3, and 2.2-4343 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4310.1:1, relating to Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.

18103532D

Summary as introduced:

Virginia Public Procurement Act; small business and microbusiness procurement enhancement program. Codifies the Governor's Executive Order 20 (2014) establishing a statewide small business and microbusiness procurement enhancement program. The bill establishes a statewide goal of 42 percent of small and microbusiness utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill provides for (i) a set-aside for competition among all small businesses for state agency purchases up to \$100,000 for goods and nonprofessional services and up to \$50,000 for professional services and (ii) a set-aside for competition among microbusinesses for purchases under \$10,000.

01/09/18 House: Prefiled and ordered printed; offered 01/10/18 18103532D
01/09/18 House: Referred to Committee on General Laws
01/19/18 House: Assigned GL sub: Subcommittee #4
01/23/18 House: Subcommittee recommends continuing to 2019

HB 732 Professional and Occupational Regulation, Department of; contractors, prohibited acts.

Chief patron: Hodges

A BILL to amend and reenact § 54.1-1115 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; contractors; prohibited acts.

18104410D

Summary as introduced:

Department of Professional and Occupational Regulation; contractors; prohibited acts. Provides that a contract entered into by a person undertaking work without a valid Virginia

contractor's license is unenforceable by such person. However, the bill also prohibits assertion of lack of licensure or certification as a defense to any action or suit if the unlicensed contractor gives substantial performance within the terms of the contract in good faith and without actual knowledge that a license or certificate was required.

01/09/18 House: Prefiled and ordered printed; offered 01/10/18 18104410D

01/09/18 House: Referred to Committee on General Laws

01/16/18 House: Impact statement from DPB (HB732)

01/19/18 House: Assigned GL sub: Subcommittee #2

HB 774 Public procurement; contracting for construction on a construction management basis.

Chief patron: Landes

A BILL to amend and reenact §§ 2.2-4379 through 2.2-4382 of the Code of Virginia, relating to public procurement; contracting for construction on a construction management basis.

18103093D

Summary as introduced:

Public procurement; contracting for construction on a construction management basis.

Authorizes state public bodies and public institutions of higher education to enter into contracts for construction on a construction management basis where the estimated cost is expected to be greater than \$40 million of actual construction costs without following certain statutory procedures. Under current law, such bodies are required to comply with the procedures whenever such bodies determine to use construction management. The bill also changes the threshold for local public bodies to contract for construction using construction management from \$10 million to \$40 million. The bill also amends the components of the definition "complex project" by (i) removing references to multifaceted program, unique equipment, and specialized building systems, (ii) adding unconventional building systems, (iii) clarifying that the accelerated schedule component of the definition must be due to regulatory mandates, and (iv) requiring that any historic designation be properly registered.

01/09/18 House: Prefiled and ordered printed; offered 01/10/18 18103093D

01/09/18 House: Referred to Committee on General Laws

HB 823 Contractors, general; waiver or diminishment of lien rights, subordination of lien rights.

Chief patron: Knight

A BILL to amend and reenact §§ 43-3 and 43-21 of the Code of Virginia, relating to general contractors; waiver or diminishment of lien rights; subordination of lien rights.

18102067D

Summary as introduced:

General contractors; waiver or diminishment of lien rights; subordination of lien rights.

Provides that a general contractor may not waive or diminish his lien rights in a contract in advance of furnishing any labor, services, or materials. The bill further provides that, notwithstanding the prohibition against waiving or diminishing such a lien right, a general contractor may, prior to or after providing any labor, services, or materials, contract to subordinate his lien rights to prior and later recorded deeds of trust, provided that such contract is (i) in writing and (ii) signed by any general contractor whose lien rights are being subordinated pursuant to such contract.

01/09/18 House: Prefiled and ordered printed; offered 01/10/18 18102067D

01/09/18 House: Referred to Committee for Courts of Justice

01/16/18 House: Assigned Courts sub: Subcommittee #2

01/19/18 House: Subcommittee recommends reporting (8-Y 0-N)

HB 898 Prerequisites to obtaining a building permit; elimination of affidavit requirement.

Chief patron: Yancey

A BILL to amend and reenact § 54.1-1111 of the Code of Virginia, relating to Board for Contractors; prerequisites to obtaining a building permit; elimination of affidavit requirement for written statements.

18104131D

Summary as introduced:

Board for Contractors; prerequisites to obtaining a building permit; elimination of affidavit requirement. Removes the requirement that a building permit applicant's written statement that he is not subject to licensure or certification as a contractor or subcontractor be supported by an affidavit but adds a requirement that the applicant include in the written statement the identifying information of the licensed or certified person who will be carrying out or superintending the work. The bill contains technical amendments.

01/09/18 House: Prefiled and ordered printed; offered 01/10/18 18104131D

01/09/18 House: Referred to Committee on General Laws

01/19/18 House: Assigned GL sub: Subcommittee #2

01/22/18 House: Impact statement from DPB (HB898)

HB 905 Virginia Public Procurement Act; designation of trade secrets and proprietary information.

Chief patron: Robinson

A BILL to amend and reenact §§ 2.2-4342 and 2.2-4343 of the Code of Virginia, relating to the Virginia Public Procurement Act; designation of trade secrets and proprietary information.

18100197D

Summary as introduced:

Virginia Public Procurement Act; designation of trade secrets and proprietary information. Provides that a bidder, offeror, or contractor shall not improperly designate as trade secrets or proprietary information (i) an entire bid, proposal, or prequalification application; (ii) any portion of a bid, proposal, or prequalification application that does not contain trade secrets or proprietary information; or (iii) line item prices or total bid, proposal, or prequalification application prices. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

01/09/18 House: Prefiled and ordered printed; offered 01/10/18 18100197D

01/09/18 House: Referred to Committee on General Laws

01/19/18 House: Assigned GL sub: Subcommittee #4

01/22/18 House: Impact statement from DPB (HB905)

01/23/18 House: Subcommittee recommends reporting (8-Y 0-N)

HB 921 Virginia Public Procurement Act; allows public bodies to utilize cooperative procurement.

Chief patron: Lopez

A BILL to amend and reenact § 2.2-4304 of the Code of Virginia, relating to the Virginia Public Procurement Act; cooperative procurement; construction.

18104511D

Summary as introduced:

Virginia Public Procurement Act; cooperative procurement; construction. Allows public bodies to utilize cooperative procurement for (i) public utility and infrastructure projects and (ii) the demolition of buildings, where the expected cost is less than \$500,000.

01/09/18 House: Prefiled and ordered printed; offered 01/10/18 18104511D

01/09/18 House: Referred to Committee on General Laws

01/24/18 House: Assigned GL sub: Subcommittee #4

HB 1084 Virginia Public Procurement Act; statute of limitations on actions on construction contracts.

Chief patron: Yancey

A BILL to amend and reenact §§ 2.2-4340, 2.2-4343, and 23.1-1017 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4340.1, relating to the Virginia Public Procurement Act; statute of limitations on actions on construction contracts; statute of limitations on actions on performance bonds.

18103603D

Summary as introduced:

Virginia Public Procurement Act; statute of limitations on actions on construction contracts; statute of limitations on actions on performance bonds. Provides that unless otherwise specified in the contract, no action may be brought by a public body on any construction contract unless such action is brought within five years after completion of the contract, including the expiration of all warranties and guarantees. The bill also limits the time frame during which a public body, other than the Department of Transportation, may bring an action against a surety on a performance bond to within one year after completion of the contract, including the expiration of all warranties and guarantees. Current law allows a public body, other than the Department of Transportation, to bring such an action within one year after (i) completion of the contract, including the expiration of all warranties and guarantees, or (ii) discovery of the defect or breach of warranty that gave rise to the action.

01/10/18 House: Prefiled and ordered printed; offered 01/10/18 18103603D

01/10/18 House: Referred to Committee on General Laws

HB 1171 Construction contracts; liability for payment of wages.

Chief patron: Krizek

A BILL to amend the Code of Virginia by adding a section numbered 11-4.6, relating to construction contracts; joint and several liability of general contractor and subcontractor for payment of wages to subcontractor's employees.

18102074D

Summary as introduced:

Construction contracts; liability for payment of wages. Provides that construction contracts shall be deemed to include a provision under which the general contractor and the subcontractor are jointly and severally liable to pay the wages due to the subcontractor's employees. The measure provides that if the wages due to the subcontractor's employees are not paid, the general contractor is subject to criminal and civil penalties for which an employer is liable for failing or refusing to pay wages. The measure requires the subcontractor to indemnify the general contractor for wages, damages, interest, penalties, or attorney fees owed as a result of the subcontractor's failure to pay the wages unless the subcontractor's failure to pay wages was due to the general contractor's failure to pay moneys due to the subcontractor. The measure also provides that the lack of privity between the general contractor and the employees of the subcontractor is not a defense in an action against the general contractor arising from nonpayment of wages to the subcontractor's employees.

01/10/18 House: Prefiled and ordered printed; offered 01/10/18 18102074D

01/10/18 House: Referred to Committee on General Laws

01/22/18 House: Impact statement from DPB (HB1171)

01/23/18 House: Referred from General Laws

01/23/18 House: Referred to Committee on Commerce and Labor

HB 1196 State agencies, certain; procurement of nonprofessional services.

Chief patron: Cline

A BILL to amend and reenact §§ 2.2-1111 and 2.2-1501.1 of the Code of Virginia, relating to the procurement of nonprofessional services by certain state agencies; commercial activities.

18103464D

Summary as introduced:

Procurement of nonprofessional services by certain state agencies; commercial activities.

Requires the Director of the Division of Purchases and Supply of the Department of General Services to require each state agency, except law-enforcement agencies, to procure nonprofessional services from the private sector if such services are listed in the Department of Planning and Budget's commercial activities list. The bill also provides that, upon a written determination made in advance by a state agency that the procurement of nonprofessional services from a commercial source is neither practicable nor fiscally advantageous, such service may continue to be performed by the state agency.

01/10/18 House: Prefiled and ordered printed; offered 01/10/18 18103464D

01/10/18 House: Referred to Committee on General Laws

HB 1233 Apprenticeship agreements; ratio of apprentices to journeymen.

Chief patron: Hugo

A BILL to amend and reenact §§ 40.1-120 and 40.1-126 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 40.1-120.1, relating to voluntary apprenticeships; ratio of apprentices to journeymen.

18103232D

Summary as introduced:

Apprenticeship agreements; ratio of apprentices to journeymen. Prohibits the Apprenticeship Council from adopting standards for apprenticeship agreements governing the numeric ratio of journeymen to apprentices that require more than one journeyman for two apprentices. This limit on the ratio of journeymen to registered apprentices does not apply to work performed under the federal Davis-Bacon Act.

01/10/18 House: Prefiled and ordered printed; offered 01/10/18 18103232D

01/10/18 House: Referred to Committee on Commerce and Labor

01/25/18 House: Impact statement from DPB (HB1233)

HB 1271 Public procurement; construction management and transportation construction services.

Chief patron: Sickles

A BILL to amend and reenact §§ 2.2-4379 through 2.2-4382 of the Code of Virginia, relating to public procurement; construction management and transportation construction services.

18104429D

Summary as introduced:

Public procurement; construction management and transportation construction services.

Authorizes state public bodies and public institutions of higher education to enter into contracts for construction on a construction management basis and without following certain statutory procedures when the estimated cost is expected to be greater than \$40 million. Under current law, such bodies are required to comply with the procedures whenever they use construction management. The bill also increases from \$10 million to \$40 million the threshold of expected actual construction costs above which local public bodies may contract for construction on a construction management basis. The bill amends the components of the definition of "complex project" by (i) removing references to unique equipment and specialized building systems, (ii) adding unconventional building systems, (iii) specifying that the accelerated schedule component of a project must be due to regulatory mandates, and (iv) requiring that any historic designation be properly registered.

01/10/18 House: Prefiled and ordered printed; offered 01/10/18 18104429D

01/10/18 House: Referred to Committee on General Laws

HB 1300 Small Business and Supplier Diversity, Department of; implementation of certification programs.

Chief patron: Lopez

A BILL to amend and reenact §§ 2.2-1604, 2.2-1605, 2.2-1606, and 2.2-4310 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-1606.1, relating to the Department of Small Business and Supplier Diversity; implementation of certification programs for small businesses; definition of small business; report.

18104852D

Summary as introduced:

Department of Small Business and Supplier Diversity; implementation of certification programs for small businesses; definition of small business; report. Changes the definition of small business, beginning July 1, 2019, to meet the small business size standards established by the regulations of the U.S. Small Business Administration. The bill provides that any business entity that the Department of Small Business and Supplier Diversity (the Department) has

certified as a small business prior to July 1, 2019, shall have such certification extended for a three-year period. The bill also provides that the Director of the Department adopt regulations that will, beginning July 1, 2019, establish a three-year certification period for small businesses to be based on the dominant business activity of each small business entity. The bill (i) includes a definition of "dominant business activity"; (ii) provides for the Department to enter into a memorandum of understanding with appropriate agencies establishing provisions for the sharing of information consistent with the requirements of state and federal law; (iii) authorizes the Director to terminate a contract with any independent certifying entities to assist in the certification of small, women-owned, and minority-owned businesses based on performance or a written determination by the Director that continuing the contract is not practicable, and (iv) requires the Secretary of Commerce and Trade to evaluate the effect of the implementation of the new definition at three-year intervals, reporting to the Governor and General Assembly by December 1, 2022, and December 1, 2025.

01/10/18 House: Prefiled and ordered printed; offered 01/10/18 18104852D

01/10/18 House: Referred to Committee on General Laws

01/24/18 House: Assigned GL sub: Subcommittee #4

HB 1407 Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.

Chief patron: Ward

A BILL to amend and reenact §§ 2.2-1604, 2.2-1605, 2.2-4310, 2.2-4310.3, and 2.2-4343 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4310.1:1, relating to Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.

18104472D

Summary as introduced:

Virginia Public Procurement Act; small business and microbusiness procurement enhancement program. Codifies the Governor's Executive Order 20 (2014) establishing a statewide small business and microbusiness procurement enhancement program. The bill establishes a statewide goal of 42 percent of small and microbusiness utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill provides for (i) a set-aside for competition among all small businesses for state agency purchases up to \$100,000 for goods and nonprofessional services and up to \$50,000 for professional services and (ii) a set-aside for competition among microbusinesses for purchases under \$10,000.

01/15/18 House: Presented and ordered printed 18104472D

01/15/18 House: Referred to Committee on General Laws

01/19/18 House: Assigned GL sub: Subcommittee #4

HB 1568 Small Business and Supplier Diversity, Department of; abolishes Department.

Chief patron: Landes

A BILL to amend and reenact §§ 2.2-204, 2.2-205.1, 2.2-1604, 2.2-1605, 2.2-1606, 2.2-1610, 2.2-1617, 2.2-2238.1, 2.2-2282, 2.2-2284, 2.2-2311.1, 2.2-3705.6, 2.2-4302.1, 2.2-4302.2, 2.2-4310, 2.2-4310.1, 3.2-201, 10.1-1425.7, 11-7.1, 15.2-965.1, 15.2-4904, 23.1-2627, 33.2-1509, 36-139.6, 46.2-749.69:1, 63.2-601, and 63.2-610 of the Code of Virginia; to amend the Code of Virginia by adding in Article 2 of Chapter 2 of Title 2.2 a section numbered 2.2-203.2:4 and by adding sections numbered 2.2-2240.7 and 2.2-2240.8; and to repeal §§ 2.2-1603 and 2.2-1608 and Article 2 (§§ 2.2-1611 through 2.2-1616) of Chapter 16.1 of Title 2.2 of the Code of Virginia, relating to Virginia Economic Development Partnership Authority; Department of Small Business and Supplier Diversity; Office of Small Business Assistance and Certification; small business development programs.

18105451D

Summary as introduced:

Virginia Economic Development Partnership Authority; Department of Small Business and Supplier Diversity; Office of Small Business Assistance and Certification; small business development programs. Abolishes the Department of Small Business and Supplier Diversity and transfers its functions and programs to the newly created Office of Small Business Assistance and Certification under the Secretary of Administration and the Virginia Economic Development Partnership Authority. Administration of the Small Business Jobs Grant Fund Program, the Small Business Investment Grant Fund, and the small business loan programs of the Small Business Financing Authority are transferred to the Virginia Economic Development Partnership Authority. Functions related to certification and procurement enhancement for small, women-owned, and minority-owned business and administration of the one-stop small business permitting program are transferred to the Office of Small Business Assistance and Certification.

01/19/18 House: Presented and ordered printed 18105451D

01/19/18 House: Referred to Committee on Appropriations

01/23/18 House: Assigned App. sub: Commerce, Agriculture, Natural Resources & Technology

SB 55 Professional and Occupational Regulation, Department of; disciplinary actions by regulatory boards.

Chief patron: DeSteph

A BILL to amend and reenact §§ 54.1-201 and 54.1-307 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-202.1, relating to the Department of Professional and Occupational Regulation; disciplinary actions by regulatory boards.

18100229D

Summary as introduced:

Department of Professional and Occupational Regulation; disciplinary actions by regulatory boards. Requires a regulatory board under the Department of Professional and Occupational Regulation to determine the factual basis for its decisions through an informal fact-finding conference under the Administrative Process Act (§ 2.2-4000 et seq.) unless the regulant and the regulatory board agree to resolve the matter through a consent order or the regulant consents to waive the conference to go directly to a formal hearing. If the conference is waived, or if it fails to dispose of the case by consent, the bill requires the regulatory board to conduct a formal hearing. The bill also provides that, if a regulant is successful in a motion to quash a subpoena duces tecum issued in furtherance of an investigation, the court shall award reasonable costs and attorney fees or \$500, whichever is greater.

11/27/17 Senate: Prefiled and ordered printed; offered 01/10/18 18100229D

11/27/17 Senate: Referred to Committee on General Laws and Technology

SB 188 Virginia Public Procurement Act; competitive negotiation for professional services.

Chief patron: Favola

A BILL to amend and reenact § 2.2-4302.2 of the Code of Virginia, relating to the Virginia Public Procurement Act; competitive negotiation; professional services; simultaneous negotiation.

18102579D

Summary as introduced:

Virginia Public Procurement Act; competitive negotiation for professional services.

Provides that for competitive negotiation for professional services, a public body may conduct negotiations simultaneously with the top two ranked offerors if the public body does not request or discuss nonbinding estimates of total project costs at the discussion stage and as long as such process is set forth in the Request for Proposal.

01/25/18 Senate: Read second time

01/25/18 Senate: Reading of amendment waived

01/25/18 Senate: Committee amendment agreed to

01/25/18 Senate: Engrossed by Senate as amended SB188E

01/25/18 Senate: Printed as engrossed 18102579D-E

SB 241 Va. Public Procurement Act; local labor use requirement for certain construction contracts.

Chief patron: Marsden

A BILL to amend the Code of Virginia by adding a section numbered 2.2-4321.3, relating to the Virginia Public Procurement Act; local labor use requirement for certain construction contracts; civil penalty.

18102387D

Summary as introduced:

Virginia Public Procurement Act; local labor use requirement for certain construction contracts; civil penalty. Adds to the Virginia Public Procurement Act (§ 2.2-4300 et seq.) the requirement that every public body, when engaged in procuring contracts for construction with a projected cost in excess of \$500,000 paid for in whole by state or local funds, include in its specifications a requirement that at least 75 percent of the employees employed by contractors and subcontractors for the construction project be from the local labor market. The bill defines "local labor market" to mean every locality in Virginia and any county outside of Virginia if any portion of that county is within fifty miles of the border of Virginia. The bill provides that any contractor or subcontractor that cannot meet this requirement and has taken certain necessary steps may obtain a waiver of the requirement from the Virginia Employment Commission. The bill provides for a civil penalty in the amount of \$100 per violation for any violation by a contractor or subcontractor of any provision of the measure.

01/04/18 Senate: Prefiled and ordered printed; offered 01/10/18 18102387D

01/04/18 Senate: Referred to Committee on General Laws and Technology

01/15/18 Senate: Passed by indefinitely in General Laws and Technology (8-Y 6-N)

SB 272 Construction Trust Act; moneys paid under a contract by an owner to a contractor.

Chief patron: Petersen

A BILL to amend the Code of Virginia by adding in Title 55 a chapter numbered 28.1, consisting of sections numbered 55-527.1 and 55-527.2, relating to Virginia Construction Trusts Law.

18101657D

Summary as introduced:

Construction Trust Act. Provides that any moneys paid under a contract by an owner to a contractor, or by the owner or contractor to a subcontractor for work done or materials furnished for or about a building by any subcontractor, shall be strictly accounted for and held in trust by the contractor or subcontractor, as trustee, for those subcontractors who did work or furnished materials, for purposes of paying those subcontractors. Under the bill, any officer, director, or managing agent of any contractor or subcontractor who knowingly retains or uses such moneys held in trust for any purpose other than to pay the subcontractors for whom the moneys are held in trust shall be personally liable to any person damaged by the action and for reasonable attorney fees incurred.

01/05/18 Senate: Prefiled and ordered printed; offered 01/10/18 18101657D
01/05/18 Senate: Referred to Committee for Courts of Justice
01/22/18 Senate: Impact statement from DPB (SB272)

SB 312 Cooperative procurement of professional services; construction, solar power purchase agreements.

Chief patron: Edwards

A BILL to amend and reenact §§ 2.2-4301 and 2.2-4304 of the Code of Virginia, relating to solar service agreements; cooperative procurement.

18104236D

Summary as introduced:

Cooperative procurement of professional services; construction; solar power purchase agreements. Provides that construction performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as construction, notwithstanding any reference to "construction" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure also provides that professional services, such as engineering, performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as a professional service, notwithstanding any reference to "professional services" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure authorizes any contracting entity to purchase services under a solar services agreement, solar power purchase agreement, or solar self-generation agreement entered into by another contracting entity, even if it did not participate in the request for proposals, if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities. The measure specifies that project agreements for power purchase agreements that reference a master solar power purchase agreement, whether or not the master power purchase agreement is still in effect, shall be binding and effective stand-alone agreements for as long as the life of the project agreements, and may be used by a contracting entity to purchase services under a cooperative procurement agreement. The measure has a delayed effective date of January 1, 2019.

01/08/18 Senate: Prefiled and ordered printed; offered 01/10/18 18104236D
01/08/18 Senate: Referred to Committee on General Laws and Technology

SB 317 Public procurement; contracting for construction on a construction management basis.

Chief patron: Ruff

A BILL to amend and reenact §§ 2.2-4379 through 2.2-4382 of the Code of Virginia, relating to public procurement; contracting for construction on a construction management basis.

18102683D

Summary as introduced:

Public procurement; contracting for construction on a construction management basis.

Authorizes state public bodies and public institutions of higher education to enter into contracts for construction on a construction management basis where the estimated cost is expected to be greater than \$40 million of actual construction costs without following certain statutory procedures. Under current law, such bodies are required to comply with the procedures whenever such bodies decide to use construction management. The bill also changes the threshold for local public bodies to contract for construction using construction management from \$10 million to \$40 million. The bill also amends the components of the definition "complex project" by (i) removing references to multifaceted program, unique equipment, and specialized building systems, (ii) adding unconventional building systems, (iii) clarifying that the accelerated schedule component of the definition must be due to regulatory mandates, and (iv) requiring that any historic designation be properly registered.

01/08/18 Senate: Prefiled and ordered printed; offered 01/10/18 18102683D

01/08/18 Senate: Referred to Committee on General Laws and Technology

SB 318 Small Business and Supplier Diversity, Department of; implementation of certification programs.

Chief patron: Ruff

A BILL to amend and reenact §§ 2.2-1604, 2.2-1605, 2.2-1606, and 2.2-4310 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-1606.1, relating to the Department of Small Business and Supplier Diversity; implementation of certification programs for small businesses; definition of small business; report.

18103595D

Summary as introduced:

Department of Small Business and Supplier Diversity; implementation of certification programs for small businesses; definition of small business; report. Changes the definition of small business, beginning July 1, 2019, to meet the small business size standards established by the regulations of the U.S. Small Business Administration. The bill provides that any business entity that the Department of Small Business and Supplier Diversity (the Department) has certified as a small business prior to July 1, 2019, shall have such certification extended for a three-year period. The bill also provides that the Director of the Department adopt regulations that will, beginning July 1, 2019, establish a three-year certification period for small businesses to be based on the dominant business activity of each small business entity. The bill (i) includes a definition of "dominant business activity"; (ii) provides for the Department to enter into a

memorandum of understanding with appropriate agencies establishing provisions for the sharing of information consistent with the requirements of state and federal law; (iii) authorizes the Director to terminate a contract with any independent certifying entities to assist in the certification of small, women-owned, and minority-owned businesses based on performance or a written determination by the Director that continuing the contract is not practicable, and (iv) requires the Secretary of Commerce and Trade to evaluate the effect of the implementation of the new definition at three-year intervals, reporting to the Governor and General Assembly by December 1, 2022, and December 1, 2025.

01/18/18 Senate: Engrossed by Senate as amended SB318E
01/18/18 Senate: Printed as engrossed 18103595D-E
01/19/18 Senate: Passed by for the day
01/22/18 Senate: Read third time and passed Senate (22-Y 17)
01/22/18 Senate: Impact statement from DPB (SB318E)

SB 319 Contractors, general; waiver or diminishment of lien rights, subordination of lien rights.

Chief patron: Ruff

A BILL to amend and reenact §§ 43-3 and 43-21 of the Code of Virginia, relating to general contractors; waiver or diminishment of lien rights; subordination of lien rights.

18103061D

Summary as introduced:

General contractors; waiver or diminishment of lien rights; subordination of lien rights.

Provides that a general contractor may not waive or diminish his lien rights in a contract in advance of furnishing any labor, services, or materials. The bill further provides that, notwithstanding the prohibition against waiving or diminishing such a lien right, a general contractor may, prior to or after providing any labor, services, or materials, contract to subordinate his lien rights to prior and later recorded deeds of trust, provided that such contract is (i) in writing and (ii) signed by any general contractor whose lien rights are being subordinated pursuant to such contract.

01/18/18 Senate: Read second time and engrossed
01/19/18 Senate: Read third time and passed Senate (39-Y 0-N)
01/23/18 House: Placed on Calendar
01/23/18 House: Read first time
01/23/18 House: Referred to Committee for Courts of Justice

SB 386 Va. Public Procurement Act; SWaM program, participation of service disabled veteran-owned business.

Chief patron: DeSteph

A BILL to amend and reenact § 2.2-4310 of the Code of Virginia, relating to the Virginia Public Procurement Act; participation of service disabled veteran-owned business.

18100408D

Summary as introduced:

Virginia Public Procurement Act; SWaM program; participation of service disabled veteran-owned businesses. Provides that contracts and subcontracts awarded to service disabled veteran-owned businesses shall be credited toward the small business, women-owned, and minority-owned business contracting and subcontracting goals of state agencies and state contractors.

01/18/18 Senate: Read second time and engrossed

01/19/18 Senate: Read third time and passed Senate (39-Y 0-N)

01/23/18 House: Placed on Calendar

01/23/18 House: Read first time

01/23/18 House: Referred to Committee on General Laws

SB 478 Contractors; work without valid Virginia license, prohibited acts.

Chief patron: Reeves

A BILL to amend and reenact § 54.1-1115 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; contractors; prohibited acts.

18105644D

Summary as introduced:

Department of Professional and Occupational Regulation; contractors; prohibited acts.

Provides that a contract entered into by a person undertaking work without a valid Virginia contractor's license is unenforceable by such person. However, the bill also prohibits assertion of lack of licensure or certification as a defense to any action or suit if the unlicensed contractor gives substantial performance within the terms of the contract in good faith and without actual knowledge that a license or certificate was required.

01/25/18 Senate: Impact statement from DPB (SB478S1)

01/25/18 Senate: Read second time

01/25/18 Senate: Reading of substitute waived

01/25/18 Senate: Committee substitute agreed to 18105644D-S1

01/25/18 Senate: Engrossed by Senate - committee substitute SB478S1

SB 502 Virginia Public Procurement Act; State Police, exemption for purchase of aviation equipment.

Chief patron: Carrico

A BILL to amend and reenact § 2.2-4345 of the Code of Virginia, relating to the Virginia Public Procurement Act; Department of State Police; exemption for purchase of aviation equipment.

18101864D

Summary as introduced:

Virginia Public Procurement Act; Department of State Police; exemption for purchase of aviation equipment. Exempts from competitive sealed bidding the purchase of aviation equipment by the Department of State Police for use by the Department.

01/09/18 Senate: Prefiled and ordered printed; offered 01/10/18 18101864D

01/09/18 Senate: Referred to Committee on General Laws and Technology

SB 529 Prerequisites to obtaining a building permit; elimination of affidavit requirement.

Chief patron: Mason

A BILL to amend and reenact § 54.1-1111 of the Code of Virginia, relating to Board for Contractors; prerequisites to obtaining a building permit; elimination of affidavit requirement for written statements.

18104586D

Summary as introduced:

Board for Contractors; prerequisites to obtaining a building permit; elimination of affidavit requirement. Removes the requirement that a building permit applicant's written statement that he is not subject to licensure or certification as a contractor or subcontractor be supported by an affidavit but adds a requirement that the applicant include in the written statement the identifying information of the licensed or certified person who will be carrying out or superintending the work. The bill contains technical amendments.

01/09/18 Senate: Prefiled and ordered printed; offered 01/10/18 18104586D

01/09/18 Senate: Referred to Committee on General Laws and Technology

01/22/18 Senate: Impact statement from DPB (SB529)

SB 569 Contrators; exemption from licensure certain students.

Chief patron: DeSteph

A BILL to amend and reenact § 54.1-1101 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; Board for Contractors; exemptions from licensure.

18104652D

Summary as introduced:

Department of Professional and Occupational Regulation; Board for Contractors; exemption from licensure. Exempts from licensure any person who is (i) a student in good standing and enrolled in a public or private institution of higher education, (ii) a student enrolled in a career training or technical education program, or (iii) an apprentice. The bill expands a current exemption from licensure for work undertaken by a person providing construction, remodeling, repair, improvement, removal, or demolition on behalf of a properly licensed contractor by raising the value threshold from \$2,500 or less to \$5,000 or less per project and by adding a home improvement building contractor classification to the list of valid licenses the supervising contractor may hold.

01/09/18 Senate: Prefiled and ordered printed; offered 01/10/18 18104652D

01/09/18 Senate: Referred to Committee on General Laws and Technology

SB 584 Va. Public Procurement Act; establishes service disabled veteran businesses.

Chief patron: DeSteph

A BILL to amend and reenact §§ 2.2-1604, 2.2-1605, 2.2-4310, 2.2-4310.3, and 2.2-4343 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4310.1:1, relating to Virginia Public Procurement Act; service disabled veteran businesses procurement enhancement program.

18103611D

Summary as introduced:

Virginia Public Procurement Act; service disabled veteran businesses procurement enhancement program. Establishes a statewide service disabled veteran business procurement enhancement program. The bill establishes a statewide goal of five percent service disabled veteran business utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts.

01/09/18 Senate: Prefiled and ordered printed; offered 01/10/18 18103611D

01/09/18 Senate: Referred to Committee on General Laws and Technology

SB 650 Virginia Public Procurement Act; local preference for businesses participating in Va. Registered.

Chief patron: McPike

A BILL to amend and reenact § 2.2-4324 of the Code of Virginia, relating to the Virginia Public Procurement Act; local preference for businesses participating in Virginia Registered Apprenticeship program.

18104650D

Summary as introduced:

Virginia Public Procurement Act; local preference for businesses participating in Virginia Registered Apprenticeship program. Authorizes a locality to develop and implement a bidding system that gives preference to the lowest responsive and responsible bidder who (i) is a resident of Virginia and (ii) participates in the Virginia Registered Apprenticeship program administered by the Department of Labor and Industry.

01/10/18 Senate: Prefiled and ordered printed; offered 01/10/18 18104650D

01/10/18 Senate: Referred to Committee on General Laws and Technology

SB 651 Virginia Public Procurement Act; state agency's goals for participation by small businesses.

Chief patron: McPike

A BILL to amend and reenact § 2.2-4310.2 of the Code of Virginia, relating to Virginia Public Procurement Act; state agency's goals for participation by small businesses; requirements.

18104128D

Summary as introduced:

Virginia Public Procurement Act; state agency's goals for participation by small businesses; requirements. Expands the requirement under the Virginia Public Procurement Act that any state agency's goals for participation by small businesses include a minimum of three percent participation by service disabled veteran businesses from when such agencies are contracting only for information technology goods and services to when such agencies are contracting for any goods and services.

01/10/18 Senate: Prefiled and ordered printed; offered 01/10/18 18104128D

01/10/18 Senate: Referred to Committee on General Laws and Technology

SB 688 Va. Public Procurement Act; cooperative procurement, stream restoration & stormwater management.

Chief patron: Ruff

A BILL to amend and reenact § 2.2-4304 of the Code of Virginia, relating to the Virginia Public Procurement Act; cooperative procurement; stream restoration and stormwater management.

18104305D

Summary as introduced:

Virginia Public Procurement Act; cooperative procurement; stream restoration and stormwater management. Excludes the purchase of (i) stream restoration and (ii) stormwater management practices, and all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction.

01/10/18 Senate: Prefiled and ordered printed; offered 01/10/18 18104305D
01/10/18 Senate: Referred to Committee on General Laws and Technology

SB 850 Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.

Chief patron: Lucas

A BILL to amend and reenact §§ 2.2-1604, 2.2-1605, 2.2-4310, 2.2-4310.3, and 2.2-4343 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4310.1:1, relating to Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.

18104888D

Summary as introduced:

Virginia Public Procurement Act; small business and microbusiness procurement enhancement program. Codifies the Governor's Executive Order 20 (2014) establishing a statewide small business and microbusiness procurement enhancement program. The bill establishes a statewide goal of 42 percent of small and microbusiness utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill provides for (i) a set-aside for competition among all small businesses for state agency purchases up to \$100,000 for goods and nonprofessional services and up to \$50,000 for professional services and (ii) a set-aside for competition among microbusinesses for purchases under \$10,000.

01/16/18 Senate: Presented and ordered printed 18104888D
01/16/18 Senate: Referred to Committee on General Laws and Technology

Counts: HB: 39 SB: 18