

1 HOUSE BILL NO. 1113
2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
3 (Proposed by the House Committee on General Laws
4 on _____)
5 (Patron Prior to Substitute--Delegate Carr)

6 A BILL to amend and reenact § 2.2-4303.2 of the Code of Virginia, relating to Virginia Public
7 Procurement Act; job order contracting; limitations.

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

9 **1. That § 2.2-4303.2 of the Code of Virginia is amended and reenacted as follows:**

10 **§ 2.2-4303.2. Job order contracting; limitations.**

11 A. A job order contract may be awarded by a public body for multiple jobs, provided (i) the jobs
12 require similar experience and expertise, (ii) the nature of the jobs is clearly identified in the solicitation,
13 and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the
14 maximum authorized in this section, whichever occurs first. Contractors may be selected through either
15 competitive sealed bidding or competitive negotiation.

16 B. Such contracts may be renewable for ~~two~~ three additional one-year terms at the option of the
17 public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each job
18 performed, and the sum of all jobs performed in a one-year contract term shall not exceed the maximum
19 threshold amount.

20 Beginning on July 1, ~~2019~~ 2024, the maximum threshold amount shall be ~~\$6~~ \$10 million.

21 Subject to the maximum threshold amount, no individual job order shall exceed ~~\$500,000~~ \$ 1
22 million.

23 C. For the purposes of this section, any unused amounts from one contract term shall not be carried
24 forward to any additional term.

25 D. Order splitting with the intent of keeping a job order under the maximum dollar amounts
26 prescribed in subsection B is prohibited.

27 E. No public body shall issue or use a job order, under a job order contract, solely for the purpose
28 of receiving professional architectural or engineering services that constitute the practice of architecture
29 or the practice of engineering as those terms are defined in § 54.1-400. However, professional architectural
30 or engineering services may be included on a job order where such professional services (i) are incidental
31 and directly related to the job, (ii) do not exceed \$25,000 per job order, and (iii) do not exceed \$75,000
32 per contract term.

33 F. Job order contracting shall not be used for construction, maintenance, or asset management
34 services for a highway, bridge, tunnel, or overpass. However, job order contracting may be used for safety
35 improvements or traffic calming measures for individual job orders up to \$250,000, subject to the
36 maximum annual threshold amount established in this section.

37 **2. That the provisions of this act shall only apply to contracts entered into on or after July 1, 2024.**

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