

Virginia Legislative Update

Post-Veto Session Report **April 21, 2016**

Newly Approved Laws That May Impact Virginia Construction Businesses

By Chandra D. Lantz, Esq.

The Virginia General Assembly came back to review the Governor's vetoes yesterday. With that session behind us, below are the newly approved laws that will impact the rights and obligations of companies in the construction industry beginning July 1, 2016.

PUBLIC PROCUREMENT

HB 907 Term Contracts for A&E Services. Provides higher monetary caps on architectural and engineering services term contracts for transportation district commissions and localities with populations greater than 78,000 (amends Code § 2.2-4303.1).

HB 1108 Experience Modification Restriction. Prohibits the use of any experience modification factor as a condition of eligibility to participate in a solicitation for construction services, even for those projects not covered by the VPPA. "Experience modification factor" is defined as a value assigned to an employer by a rate service organization per its uniform experience rating plan required by Code § 38.2-1913 (amends Code §§ 2.2-4302.1, 4302.2, 11-9.8)

HB 1166 Small Purchase Procedures. Authorizes the establishment of purchase procedures not using competitive sealed bidding or competitive negotiation for a single or term contract less than \$25,000 for transportation-related construction and for goods less than \$100,000 (amends Code § 2.2-4303).

SB 169 Request for Proposals for Architectural or Engineering Services. Provides that offerors in the selection process for architectural or engineering services shall not be required to list any exceptions to proposed contractual terms and conditions until after the qualified offerors are ranked (amends Code § 2.2-4302.2).

SB 418 Authorizing Cooperative Procurement for Artificial Turf. Authorizes the purchase of installation of artificial turf and track surfaces and all associated and necessary construction using cooperative procurement (amends Code § 2.2-4304).

SB 465 Consideration of Alternative Technical Concepts during RFP Process. Provides the submission and consideration of "alternative technical concepts" during the RFP process for a design-build transportation project. "Alternative technical concepts" are defined as proposed changes to agency-supplied design, scope or construction criteria that provide a solution that is equal to or better than the requirements in the RFP (amends Code § 33.2-209).

WORKERS' COMPENSATION

HB 44 Injuries Presumed to be in Course of Employment. Revises the provision creating a presumption, in the absence of a preponderance of evidence to the contrary, that an injury is work related if the factual circumstances indicate an accident arose during employment and the employee dies without regaining consciousness, dies at the accident location, or is found dead at the employment site (amends Code § 65.2-105).

EMPLOYMENT

HB 66 Grants for Earning Workforce Training Credentials; New Economy Industry Credential Assistance Training Grants. Establishes a program that would pay grants of \$2,000 to individuals who complete eight hours of community service and who subsequently complete a noncredit workforce training program and earn a credential in a high-demand field. The grant would be limited to payment of tuition charged for the training program, the cost of any required textbooks, and the cost of any examination required to earn the credential (creates new Title 23.38:10 *et seq.*).

HB 691 Additional Hours to Report Work-Related Injuries. Extends from eight to 24 hours the time period in which an employer is required to notify the Virginia Department of Labor and Industry of any work-related incident resulting in hospitalization, amputation, or loss of an eye (amends Code § 40.1-51.1).

Chandra Lantz is a trial lawyer and member of Hirschler Fleischer's Construction & Suretyship Practice Group and Insurance Recovery Team. She handles a variety of commercial business disputes and provides counseling and risk management services for the construction and development industries. Contact: Chandra D. Lantz, 804.771.9586 or clantz@hf-law.com.

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