

(Cover Email)

Amigo and Maria:

As promised at the last meeting, attached is a copy of AGC's proposal relating to formation of an independent review board for public construction. Please include it in your mailing to the workgroup relating to next week's meeting.

I've intentionally drafted this proposal in a manner which reflects broad elements or concepts, believing that input from the workgroup is necessary in order to come up with the best proposal for consideration by the Special Joint General Laws Subcommittee on Procurement.

AGC strongly believes that an independent review board is needed. Too many complaints are heard that some public bodies are taking actions contrary to, at a minimum, the intent of the Public Procurement Act. And while there are appeals processes available, as well as the courts, we feel that an independent review body will provide a better, and faster, resolution of these concerns.

Thanks.

Steve Vermillion
AGC of Virginia

Proposal from the Associated General Contractors of Virginia Essential Elements - Independent Review Board for Construction

AGC has prepared the following outline detailing elements we believe are essential for an Independent Review Board for Construction. We've drafted this in a broad-brush manner in order to share what we believe are essential concepts, with the hope that the Procurement Workgroup can use this outline to better define the features and requirements necessary for the Department of Legislative Services to prepare draft legislation for the workgroup to recommend to the Procurement Subcommittee.

Structure

- Comprised of individuals with knowledge of the construction industry
- Monthly meetings would be scheduled – cancel if no requests/complaints to be considered
- Possible membership
 - Three representatives from public bodies as follows:
 - A representative from the state government as recommended by....
 - A representative from a local government as recommended by....
 - A representative from a college or university as recommended by....
 - Three class A general contractors as recommended by the Associated General Contractors of Virginia
 - An architect as recommended by.....
 - An engineer as recommended by.....
 - A member representing the general public
- Members of the Review Board shall not participate in deliberations or vote on a matter before the Board if they have a conflict of interest with that request/complaint
- Staffing provided by the Department of General Services

Application

- Review Board will receive and rule on requests/complaints relating to construction projects by all public bodies in the Commonwealth, including all counties, cities, colleges and universities and the Commonwealth itself

Authority

- Review Board will have authority to review requests/complaints brought to its attention to ensure that the public body complied with the Public Procurement Act, its regulations and applicable guidelines and procedures approved by the Secretary of Administration of the Commonwealth
- AGC believes it is essential that the Review Board have authority to either compel action, or be able to refer a matter to a body that could do so if its findings are not complied with.

Process

- Review Board would receive and review requests/complaints and issue a ruling within 30 days of receipt

Reporting

- Review Board shall provide a report to the General Laws Committees in the House of Delegates and the Senate by December 1 each year detailing:
 - Number of cases heard
 - Findings, including identity of public bodies that the Review Board found to be in non-compliance of the Procurement Act, its regulations or applicable procedures/guidelines
 - Any recommendations for improvement of the Public Procurement Act