

Index

ABANDONMENT

Construction contracts, private, § 10:11

ADMINISTRATIVE APPEALS

Public contracts, § 6:11

ALTERNATIVE DISPUTE RESOLUTION

Private construction contracts, § 15:9

Public contracts, § 6:15

ANTICIPATORY BREACH

Construction contracts, private, § 10:11

APPEAL AND REVIEW

Public Contracts, this index

ARBITRATION

Generally, § 15:12

Federal Arbitration Act, § 15:14

Virginia Uniform Arbitration Act, § 15:13

ARCHITECTS

Contracting overview, § 1:4

Liability of Construction Professional, this index

Public Contracts, this index

Regulation of, § 2:15

ATTORNEY'S FEES

Recovery of, § 11:21

BANKRUPTCY

Impact of Bankruptcy, § 13:13

BIDS AND BIDDING

Bid bonds. Bonds and Undertakings, this index

Construction contracts, bidding mistakes, § 9:4

Public Contracts, this index

BONDS AND UNDERTAKINGS

Generally, § 14:1 to 14:30

Bid bonds

generally, § 14:2

legal requirements, § 14:3

public contracts, § 4:44

release from, § 14:5

surety's liability, § 14:4

Damages, recoverable, § 14:26

BONDS AND UNDERTAKINGS—Cont'd

Enforcement actions

payment bond, § 14:16

performance bond, § 14:25

Form

payment bond, § 14:8

performance bonds, § 14:20

Legal requirements

payment bonds, § 14:7

performance bonds, § 14:19

Mechanics' liens, bonding off a lien, § 13:27

Notice of claim. Payment bonds, below

Payment bonds

generally, § 14:6 to 14:18

action to enforce claim, bringing, § 14:16

date of last work, determining, § 14:14

extent of surety liability, § 14:17

form, § 14:8

items covered, § 14:10

last work, determining date, § 14:14

legal requirements, § 14:7

notice of claim

generally, § 14:11

contents and service of notice, § 14:12

timing of notice, § 14:13

surety's right to resolve claims, § 14:15

timing of notice, § 14:13

who is protected, § 14:9

Performance bonds

generally, § 14:18 to 14:30

action to enforce claim, bringing, § 14:25

bad faith, surety, § 14:24

damages, recoverable, § 14:26

defenses, surety, § 14:27

form, § 14:20

legal requirements, § 14:19

obligee, claims against, § 14:30

performance of surety's obligation, § 14:22

principal, claims against, § 14:29

right to resolve claims, surety's, § 14:23

sureties

bad faith, § 14:24

claims by surety

generally, § 14:28

obligee, claims against, § 14:30

principal, claims against, § 14:29

defenses, § 14:27

INDEX

BONDS AND UNDERTAKINGS—Cont'd

- Performance bonds—Cont'd
 - sureties—Cont'd
 - obligee, claims against, § 14:30
 - performance of obligation, § 14:22
 - principal, claims against, § 14:29
 - right to resolve claims, § 14:23
 - triggering obligation, § 14:21
 - triggering surety's obligation, § 14:21
- Public contracts, bid bonds, § 4:44
- Release from bid bond, § 14:5
- Surety
 - liability, § 14:4, 14:17
 - performance bonds, above
 - right to resolve claims, § 14:23

BREACH

- Construction Contracts, Private, this index

BUILDING CODE

- Uniform Statewide Building Code, this index

CHANGES

- Damages, § 11:14
- Disputes over changes and changed conditions, § 10:2, 10:3

CIRCUIT COURTS

- Dispute resolution, § 15:5

CIVIL LIABILITY AND PENALTIES

- Uniform statewide building code, § 3:14
- Uniform Statewide Building Code, § 3:15

CODE

- Construction Code, § 3:7
- Uniform Statewide Building Code, this index

CONFIDENTIALITY

- Public-private partnerships, confidentiality and public records access, § 7:14

CONSTRUCTION BONDS

- Bonds and Undertakings, this index

CONSTRUCTION CODE

- Generally, § 3:7

CONSTRUCTION CONTRACTS, DISPUTE

- Performance disputes
 - termination, § 10:15
- Termination, § 10:15

CONSTRUCTION CONTRACTS, PRIVATE

- Generally, § 9:1 to 9:11

CONSTRUCTION CONTRACTS, PRIVATE—Cont'd

- Abandonment, § 10:11
- Acceleration, § 10:7
- Acceptance, § 9:2
- Alternative dispute resolution, § 15:9
- Anticipatory breach, § 10:11
- Arbitration, § 15:12 to 15:14
- Bidding mistakes, § 9:4
- Breach
 - anticipatory breach, § 10:11
 - first breach rule, § 10:12
- Changes and changed conditions, disputes over, § 10:2, 10:3
- Changes and extras, § 10:2
- Contra proferentem, § 9:6
- Contribution, § 10:22
- Course of dealing, § 9:8
- Custom and usage, § 9:9
- Damages, this index
- Defective specifications, § 10:4
- Delay
 - disputes, § 10:5
 - no-damages-for delay clauses, § 10:6
 - owner delay damages, § 11:10, 11:11
- Disputes and dispute resolution
 - generally, § 10:1 to 10:22, 15:1 to 15:16
 - acceleration, § 10:7
 - alternative dispute resolution, § 15:9
 - arbitration, § 15:12 to 15:14
 - breach, above
 - changed conditions, § 10:3
 - changes, § 10:2
 - contribution, § 10:22
 - courts, this index
 - defective specifications, § 10:4
 - delays, § 10:5
 - experts, use in construction litigation, § 15:15
 - extras, § 10:2
 - indemnification, below
 - limitation of actions, § 15:16
 - mini-trials, § 15:10
 - neutral assisted proceedings, § 15:11
 - no-damages-for delay clauses, § 10:6
 - notice requirements, § 10:8
 - pay-when-paid clauses, § 10:9
 - performance disputes, below
 - venue, civil actions relating to construction contracts, § 15:8
- Equitable indemnification, § 10:20

INDEX

CONSTRUCTION CONTRACTS, PRIVATE—Cont'd

- Experts, use in construction litigation, § 15:15
- Express indemnification, § 10:18
- Extras, disputes, § 10:2
- First breach rule, § 10:12
- Form contracts, § 9:11
- Formation, § 9:2
- Good faith and fair dealing, implied duty, § 9:10
- Implied indemnification, § 10:19
- Indemnification
 - generally, § 10:17
 - equitable, § 10:20
 - express, § 10:18
 - implied, § 10:19
 - limitations, § 10:21
- Interpretation of contracts, § 9:5
- Limitation of actions, § 15:16
- Limitations on indemnification, § 10:21
- Material breach, § 10:14
- Mini-trials, § 15:10
- Neutral assisted proceedings, § 15:11
- Notice requirements, disputes over, § 10:8
- Offer and acceptance, § 9:2
- Pay-when-paid clauses, § 10:9
- Performance disputes
 - generally, § 10:11 to 10:15
 - abandonment, § 10:11
 - anticipatory breach, § 10:11
 - first breach rule, § 10:12
 - material breach, § 10:14
 - substantial performance, § 10:13
- Promissory estoppel, § 9:3
- Public Contracts, this index
- Specifications, defective, § 10:4
- Standard form contracts, § 9:11
- Substantial performance, § 10:13
- Venue, civil actions relating to construction contracts, § 15:8
- Wage theft statute, § 10:10

CONTRACTING OVERVIEW

- Generally, § 1:1 to 1:13
- Architects, § 1:4
- Construction managers, § 1:5
- Construction professionals, § 1:3
- Design-bid-build, § 1:10
- Design-build contracts, § 1:12
- Engineer, Procure, and Construct (EPC) contracts, § 1:13
- Engineers, § 1:4

CONTRACTING OVERVIEW—Cont'd

- General contractors, § 1:6
- Guaranteed Maximum Price (GMP) contracts, § 1:11
- Owners, § 1:2
- Project delivery methods, § 1:9
- Subcontractors, § 1:7
- Sureties, § 1:8

CONTRACTOR WARRANTIES

- Warranties, § 10:16

CONTRACTORS

- General Contractors, this index
- Liability of Construction Professional, this index
- Mechanics' Liens, this index
- Recovery Act, § 2:14
- Subcontractors, this index
- Virginia Contractor Recovery Act, § 2:14

CONTRIBUTION

- Construction contracts, private, § 10:22

COURSE OF DEALING

- Construction contracts, private, § 9:8

COURT OF APPEALS

- Dispute resolution, § 15:4

COURTS

- Generally, § 15:2 to 15:7
- Circuit courts, § 15:5
- Court of Appeals, § 15:4
- Federal courts, § 15:7
- General district court, § 15:6
- Overview of state courts, § 15:2
- Supreme Court, § 15:3
- Venue, civil actions relating to construction contracts, § 15:8

CRIMINAL PENALTIES

- Uniform Statewide Building Code, § 3:14

CUSTOM AND USAGE

- Construction contracts, private, § 9:9

DAMAGES

- Generally, § 11:1 to 11:28
- Attorney's fees, § 11:21
- Calculating
 - generally, § 11:24
 - extended/unabsorbed home office overhead, § 11:25
 - idle and extended labor, § 11:27
 - idle equipment costs, § 11:26

INDEX

DAMAGES—Cont'd

Calculating—Cont'd

total and modified total cost method, § 11:28

Changes, § 11:14

Compensatory, § 11:4

Consequential damages, § 11:5

Contractor damages, § 11:12

Contractual recovery, § 11:2

Delay damages, contractor

compensable, § 11:16

excusable, § 11:17

Delay damages, owner

actual damages, § 11:10

liquidated damages, § 11:11

Differing site conditions, § 11:13

Duty to mitigate, § 11:8

Equipment, idle, § 11:26

Extended/unabsorbed home office overhead, § 11:25

Home office overhead, extended/unabsorbed, § 11:25

Idle equipment costs, § 11:26

Indirect damages, § 11:5

Interest, pre-judgment and post-judgment, § 11:22, 11:23

Labor, idle and extended, § 11:27

Liquidated damages, owner delay damages, § 11:11

Lost profits, § 11:7

Mitigation duty, § 11:8

No-damages-for delay clauses, § 10:6, 11:18 to 11:20

Owner damages

generally, § 11:9

delay damages, § 11:10, 11:11

Performance bonds, recoverable damages, § 14:26

Public Contracts, this index

Punitive damages, § 11:5, 11:6

Quasi-contractual recovery, § 11:3

Site conditions, differing, § 11:13

Termination, § 11:15

Total and modified total cost method of calculating damages, § 11:28

DEFINITIONS

Fraud in public contracting, § 8:3

Licensing of contractors and construction professionals, § 2:2, 2:16

Uniform Statewide Building Code, § 3:2

DELAY

Construction Contracts, Private, this index

No-damages-for delay clauses, § 11:18 to 11:20

Public Contracts, this index

DESIGN-BID-BUILD

Contracting overview, § 1:10

DESIGN-BUILD CONTRACTS

Contracting overview, § 1:12

DESIGN PROFESSIONALS

Liability, § 12:1

DGS

Public Contracts, this index

DISADVANTAGED BUSINESSES

Enterprises program, § 4:28

DISPUTES AND DISPUTE RESOLUTION

Construction Contracts, Private, this index

Damages, this index

Public Contracts, this index

ECONOMIC LOSS RULE

Generally, § 12:6

EDUCATION FACILITIES

PPEA. Public-Private Partnerships, this index

ENGINEER, PROCURE, AND CONSTRUCT (EPC) CONTRACTS

Generally, § 1:13

ENGINEERS

Contracting overview, § 1:4

Liability of Construction Professional, this index

Public Contracts, this index

Regulation of, § 2:15

EQUIPMENT

Idle equipment costs, § 11:26

ESTOPPEL

Construction contracts, promissory estoppel, § 9:3

EVIDENCE

Construction contracts, private, parol evidence, § 9:7

EXPERTS

Use in construction litigation, § 15:15

FALSE CLAIMS

Public Contracts, this index

FALSE LIENS

Mechanics' liens, filing false liens, § 13:29

FEDERAL ARBITRATION ACT

Generally, § 15:14

INDEX

FEDERAL COURTS

Dispute resolution, § 15:7

FORM CONTRACTS

Construction contracts, private, § 9:11

FRAUD

Public Contracts, this index

GENERAL CONTRACTORS

Contracting overview, § 1:6

Licensing of Contractors and Construction Professionals, this index

GENERAL DISTRICT COURT

Dispute resolution, § 15:6

GOOD FAITH AND FAIR DEALING

Implied duty, § 9:10

GUARANTEED MAXIMUM PRICE (GMP) CONTRACTS

Generally, § 1:11

HIGHWAYS

Virginia Highway Corporation Act of 1988, § 7:5, 7:17

INDEMNIFICATION

Construction Contracts, Private, this index

INFRASTRUCTURE

Public Private Education Facilities and Infrastructure Act of 2002 (PPEA), § 7:7

INTEREST

Pre-judgment and post-judgment, § 11:22, 11:23

INTERPRETATION OF CONTRACTS

Generally, § 9:5

KICKBACKS

Public contracts, § 8:21

LEGAL REQUIREMENTS

Payment bonds

bonds and undertakings, § 14:7

Performance bonds

bonds and undertakings, § 14:19

LIABILITY OF CONSTRUCTION PROFESSIONAL

Generally, § 12:1 to 12:7

Assumption of design responsibility by contractor, § 12:4

Construction managers, § 12:3

Design professionals, § 12:1

Economic loss rule, § 12:6

Privity of contract, § 12:6

Standard of care, § 12:2

Third-party beneficiaries, § 12:7

LIABILITY OF CONSTRUCTION PROFESSIONAL—Cont'd

Third-party liability, § 12:5

LICENSING OF CONTRACTORS AND CONSTRUCTION PROFESSIONALS

Generally, § 2:1 to 2:20

Application process

Class A license, § 2:8

Class B license, § 2:9

Class C license, § 2:10

Architects, § 2:15

Board for contractors, § 2:7

Contracts, unenforceable, § 2:6

Definitions, § 2:2, 2:16

Discipline, § 2:5

Engineers, § 2:15

Exemptions, § 2:4, 2:18

Miscellaneous requirements, § 2:11

Necessity for license, § 2:3, 2:17

Obtaining license, § 2:19

Organization for practice, § 2:20

Permits, obtaining, § 2:12

Prohibited acts, § 2:5, 2:17

Purpose of licensing requirement and regulation of contractors, § 2:1

Tradesmen, licensing of, § 2:13

Unenforceable contracts, § 2:6

Virginia Contractor Recovery Act, § 2:14

LIENS

Mechanics' Liens, this index

LIMITATION OF ACTIONS

Construction contract disputes, § 15:16

LOST PROFITS

Damages, § 11:7

MAINTENANCE CODE

Generally, § 3:9

MANAGERS

Construction managers, § 1:5

Liability of construction managers, § 12:3

MECHANICS' LIENS

Generally, § 13:1 to 13:29

Agent, § 13:12

Bankruptcy, Impact of, § 13:13

Bonding off a lien, § 13:27

Contract payments, misuse, § 13:28

INDEX

MECHANICS' LIENS—Cont'd

Enforcement

- generally, § **13:18**
- necessary parties, § **13:20**
- timing, § **13:19**
- validity of lien, statutory hearing, § **13:21**

Extent of owner's liability, § 13:22

False liens, filing, § 13:29

Joint, blanket, and over-inclusive liens: problems with multiple contracts, parcels, and buildings, § 13:16

Liability

- extent of owner's liability, § **13:22**
- personal liability, § **13:14**

Lien agent, § 13:12

Material covered, § 13:3

Misuse of contract payments, § 13:28

Multiple contracts, parcels, and buildings, problems with, § 13:16

Necessary parties, § 13:20

90-day rule, perfection of the lien, § 13:6

150-day rule, perfection of the lien, § 13:7

Perfection of lien

- generally, § **13:5 to 13:11**
- general contractor, § **13:8**
- 90-day rule, § **13:6**
- 150-day rule, § **13:7**
- reliance on general contractor's lien, subcontractor's, § **13:11**
- sub-subcontractor, § **13:10**
- subcontractor, § **13:9 to 13:11**

Personal liability, § 13:14

Priorities

- generally, § **13:23**
- among mechanics' and other liens, § **13:25**
- among mechanics' liens, § **13:24**

Property subject to lien, § 13:4

Releases, § 13:26

Reliance on general contractor's lien, subcontractor's, § 13:11

Scope, § 13:15

Site development improvements, § 13:17

Statutory claimants, § 13:2

Statutory hearing, validity of lien, § 13:21

Subcontractors, perfection of the lien, § 13:9 to 13:11

Timing, enforcement, § 13:19

Validity of lien, statutory hearing, § 13:21

Waivers, § 13:26

Work and material covered, § 13:3

MINI-TRIALS

Dispute resolution, § 15:10

MISTAKES

Bids and bidding. Public Contracts, this index
Construction contracts, bidding mistakes, § 9:4

MITIGATION

Duty to mitigate, § 11:8

MODIFICATION

Public Contracts, this index

NEUTRAL ASSISTED PROCEEDINGS

Dispute resolution, § 15:11

NO-DAMAGES-FOR DELAY CLAUSES

Generally, § 10:6, 11:18 to 11:20

OWNERS

Contracting overview, § 1:2
Delay damages, § 11:10, 11:11
Mechanics' liens, extent of owner's liability, § 13:22

PAROL EVIDENCE

Construction contracts, private, § 9:7

PAYMENT BONDS

Bonds and Undertakings, this index

PERFORMANCE

Bonds. Bonds and Undertakings, this index
Disputes. Construction Contracts, Private, this index
Public Contracts, this index

PERFORMANCE DISPUTES

Material breach
 construction contracts, private, § 10:14
Termination
 construction contracts, private, § 10:15

PERMITS

Licensing of Contractors and Construction Professionals, this index
Obtaining, § 2:12

PREFERENCES

Public Contracts, this index

PREQUALIFICATION

Public Contracts, this index

PRIVATE CONSTRUCTION CONTRACTS

Construction Contracts, Private, this index

PRIVITY OF CONTRACT

Liability of construction professional, § 12:6

INDEX

PROCUREMENT

Public Contracts, this index

PROFESSIONALS AND PROFESSIONAL SERVICES

Construction professionals, § 1:3

Liability of Construction Professional, this index

Licensing of Contractors and Construction Professionals, this index

Public Contracts, this index

PROFITS

Lost profits, § 11:7

PROJECT DELIVERY METHODS

Contracting overview, § 1:9

PROMISSORY ESTOPPEL

Construction contracts, § 9:3

PROTESTS

Public Contracts, this index

PUBLIC CONTRACTS

Generally, § 4:1 et seq.

Administrative appeals process, § 6:11

Alternative dispute procedures, § 6:15

Alternative Project Delivery Division design-build procurements, VDOT, § 4:25

Amendment of solicitations, § 4:31

Anti-Kickback Act, § 8:21

Appeals

administrative appeals process, § 6:11

denied contractual claim, § 6:10

protest decisions, § 4:49

Architectural and engineering services

construction projects, services related to, § 4:16

DGS architectural and engineering services procurement regulations, § 4:18

Authority of government personnel, § 5:2

Best value, § 4:7

Bids and bidding

generally, § 4:1 et seq.

bonds, § 4:44

mistakes

generally, § 4:41

after bid opening, discovery, § 4:43

construction contracts, § 4:43

prior to bid opening, discovery, § 4:42

prequalification, below

rejection of bids and proposals, § 4:40

responsibility of bidders/offerors, § 4:34

responsiveness of bids, § 4:32

sealed bidding, § 4:4, 4:5

PUBLIC CONTRACTS—Cont'd

- Bonds, § 4:44
- Brand name or equal substitutions, § 5:5
- Building materials and supplies, purchases prohibited, § 4:17
- Cancellation of solicitations, § 4:31
- Claims and dispute resolution
 - generally, § 6:1 to 6:16
 - administrative appeals process, § 6:11
 - alternative dispute procedures, § 6:15
 - appeal of denied claim, § 6:10
 - contract claim procedures
 - generally, § 6:4
 - presenting claims against counties and other public bodies, § 6:5
 - subcontractor pass-through claims, § 6:16
- Contract Disputes Act, § 8:19
 - counties and other public bodies, presenting claims against, § 6:5
 - decision, § 6:9
 - direct legal action, § 6:14
 - dispute procedures
 - alternative dispute procedures, § 6:15
 - consistency with VPPA, § 6:12
 - VDOT procedures, § 6:13
 - intent to claim, timely notice, § 6:7
 - legal action, direct, § 6:14
 - notice
 - proper form, § 6:6
 - timely notice of intent to claim, § 6:7
 - presenting claims against counties and other public bodies, § 6:5
 - subcontractor pass-through claims, § 6:16
 - time for filing claim, § 6:8
 - timely notice of intent to claim, § 6:7
 - VDOT disputes procedures, § 6:13
- Virginia Public Procurement Act
 - generally, § 6:2
 - dispute procedures must be consistent with, § 6:12
 - procedures under VPPA, § 6:3
- Comments on solicitations, § 4:30
- Competition requirement, § 4:3
- Competitive negotiation, § 4:6
- Compliance program, § 8:22
- Construction services and contracts
 - generally, § 4:20
 - architectural and engineering services related to construction projects, § 4:16
 - bid mistakes discovered after bid opening, § 4:43
 - design-build and construction management, below
 - DGS procurement regulations, § 4:21
 - False Claims Act violations, § 8:17

INDEX

PUBLIC CONTRACTS—Cont'd

Construction services and contracts—Cont'd

prequalification of contractors, § 4:36

Contract Disputes Act, § 8:19

Convenience, termination for, § 5:9

Damages

no-damage-for-delay clauses, § 5:12, 11:20

Virginia Fraud Against Taxpayers Act, § 8:5

Debarment and suspension

generally, § 4:51

DGS procedures, § 4:53

VDOT procedures, § 4:52

Decisions

contractual claims, § 6:9

protests, § 4:48, 4:49

Default, termination for, § 5:10

Definitions

falsity, § 8:14

fraud, § 8:3

Delay

no damage for delay clauses, prohibition against, § 5:12

recovery of costs of prosecuting or defending delay claims, § 5:13

Design-build and construction management, § 4:22

generally, § 4:22

Commonwealth, use by, § 4:23

public bodies other than Commonwealth, use by, § 4:24

DGS

architectural and engineering services procurement regulations, § 4:18

Construction and Professional Services Manual, emergency procurements,
§ 4:12

construction services procurement regulations, § 4:21

debarment procedures, § 4:53

Division of Engineering & Building prequalification procedures, § 4:37

Division of Purchases and Supply prequalification procedures, § 4:39

Disadvantaged business enterprises program, § 4:28

Disputes

Claims and dispute resolution, above

Contract Disputes Act, § 8:19

Emergency procurements

generally, § 4:11

DGS Construction and Professional Services Manual, § 4:12

VDOT Professional Services Manual, § 4:13

Engineering services. Architectural and engineering services, above

False claims

generally, § 8:4

Federal False Claims Act

generally, § 5:10, 8:10

basics, § 8:11

PUBLIC CONTRACTS—Cont'd

False claims—Cont'd

Federal False Claims Act—Cont'd

construction contracting, violations, § 8:17

elements of cause of action, § 8:12

falsity, defined and applied, § 8:14

knowledge requirement, application of, § 8:15

materiality requirement, § 8:16

presentment of claim, § 8:13

Forfeiture of Fraudulent Claims Act, § 8:20

Federal False Claims Act. False claims, above

Forfeiture of Fraudulent Claims Act, § 8:20

Fraud

generally, § 8:1 to 8:22

Anti-Kickback Act, § 8:21

compliance program, § 8:22

Contract Disputes Act, § 8:19

definitions, § 8:2, 8:3

false claims, above

federal anti-fraud tools

generally, § 8:18

false claims, above

Forfeiture of Fraudulent Claims Act, § 8:20

Virginia Fraud Against Taxpayers Act

generally, § 8:2

barred actions, § 8:7

civil penalty, § 8:5

damages, § 8:5

definitions, § 8:3

enforcement, § 8:6

procedural aspects, § 8:9

prohibited acts, § 8:4

retaliation unlawful, § 8:8

Informalities, waiver, § 4:33

Kickbacks, § 8:21

Mistakes. Bids and bidding, above

Modification

procedures, § 5:8

restriction, § 5:3

No-damage-for-delay clauses, § 5:12, 11:20

Notice. Claims and dispute resolution, above

Performance

generally, § 5:1 to 5:15

authority of government personnel, § 5:2

brand name or equal substitutions, § 5:5

delay claims, recovery of costs of prosecuting or defending, § 5:13

false claims, § 5:4

modification, § 5:3, 5:8

INDEX

PUBLIC CONTRACTS—Cont'd

Performance—Cont'd

- no damage for delay clauses, prohibition against, § **5:12**
- prevailing wage under VPPA, § **5:14**
- procurement integrity, § **5:4**
- project labor agreements, § **5:15**
- prompt payment, § **5:6**
- retainage, § **5:7**
- specific provisions, § **5:11**
- termination, below
- VPPA, applicability, § **5:1**

Preferences

- disadvantaged business enterprises program, § **4:28**
- small businesses, § **4:26**
- Virginia companies, § **4:29**

Prequalification

- bidders, § **4:35**
- construction contractors, § **4:36**
- DGS Division of Engineering & Building prequalification procedures, § **4:37**
- DGS Division of Purchases and Supply prequalification procedures, § **4:39**
- VDOT prequalification procedures, § **4:38**

Prevailing wage under VPPA, § **5:14**

Procurement

- claims and dispute resolution, above
- DGS construction services procurement regulations, § **4:21**
- emergency procurements, above
- integrity, § **5:4**
- SWaM procurement initiative, § **4:27**
- Virginia Public Procurement Act, below

Professional services

- generally, § **4:14**
- small purchases, § **4:9**
- VDOT Professional Services Manual, § **4:13, 4:19**

Project labor agreements, § **5:15**

Prompt payment, § **5:6**

Protests

- generally, § **4:45**
- appeals of protest decision, § **4:49**
- public body's decision, § **4:48**
- relief available, § **4:50**
- stay of contract performance, § **4:50**
- time to protest, § **4:47**
- types, § **4:46**

Public-Private Partnerships, this index

Rejection of bids and proposals, § **4:40**

Relief available, § **4:50**

Responsibility of bidders/offerors, § **4:34**

PUBLIC CONTRACTS—Cont'd

- Responsiveness of bids, § 4:32
- Retainage, § 5:7
- Sealed bidding
 - generally, § 4:4
 - two-step sealed bidding, § 4:5
- Small businesses, preferences, § 4:26
- Small purchases
 - generally, § 4:8
 - goods and nonprofessional services, § 4:8
 - procedures, § 4:15
 - professional services, § 4:9
- Sole source, § 4:10
- Solicitations
 - amendment and cancellation, § 4:31
 - comments, § 4:30
- Specific provisions, § 5:11
- Stay of contract performance, § 4:50
- Subcontractor pass-through claims, § 6:16
- Suspension. Debarment and suspension, above
- SWaM procurement initiative, § 4:27
- Termination
 - convenience, § 5:9
 - default, § 5:10
- Time
 - filing claim, time for, § 6:8
 - notice of intent to claim, timely, § 6:7
- Time to protest, § 4:47
- VDOT
 - Alternative Project Delivery Division design-build procurements, § 4:25
 - debarment procedures, § 4:52
 - prequalification procedures, § 4:38
 - Professional Services Manual, § 4:13, 4:19
- Virginia companies, preference for, § 4:29
- Virginia Fraud Against Taxpayers Act. Fraud, above
- Virginia Public Procurement Act
 - applicability, § 5:1
 - claims and dispute resolution, above
 - PPEA and PPTA exemption, § 7:15
 - public contracting governed by, § 4:2
- Waiver of informalities, § 4:33

PUBLIC-PRIVATE PARTNERSHIPS

- Generally, § 7:1 to 7:17
- Approval of proposals under PPTA and PPEA, § 7:13
- Confidentiality and public records access, § 7:14
- Contractor's construction-related risk unique to PPP, § 7:3
- Default remedies under PPTA and PPEA, § 7:16

INDEX

PUBLIC-PRIVATE PARTNERSHIPS—Cont'd

- Defining public entity under PPTA and PPEA, § 7:8
- Development risk, § 7:2
- Education facilities and infrastructure (PPEA)
 - generally, § 7:7
 - PPTA and PPEA, below
- Financing under PPTA and PPEA, § 7:10
- Highway Corporation Act of 1988, § 7:5
- PPTA and PPEA
 - default remedies, § 7:16
 - education facilities and infrastructure (PPEA), § 7:7
 - exemption from VPPA, § 7:15
 - financing, § 7:10
 - proposals under PPTA and PPEA, below
 - public entity, defining, § 7:8
 - qualifying projects, § 7:9
 - survival of Virginia Highway Corporation Act of 1988, § 7:17
 - transportation projects (PPTA), § 7:6
- Project development risk, § 7:2
- Proposals under PPTA and PPEA
 - approval, § 7:13
 - confidentiality and public records access, § 7:14
 - review, solicited and unsolicited, § 7:12
 - submission, § 7:11
- Qualifying projects under PPTA and PPEA, § 7:9
- Review of proposals, solicited and unsolicited, § 7:12
- Risk
 - contractor's construction-related risk unique to PPP, § 7:3
 - development risk, § 7:2
- Statutes, § 7:4
- Submission of proposals under PPTA and PPEA, § 7:11
- Transportation projects (PPTA)
 - generally, § 7:6
 - PPTA and PPEA, above
- Virginia Highway Corporation Act of 1988, § 7:5, 7:17

PUBLIC RECORDS

- Public-private partnerships, confidentiality and public records access, § 7:14

REHABILITATION

- Rehabilitation Code, § 3:8
- Uniform Statewide Building Code, provisions related to rehabilitation of existing buildings, § 3:5

RELEASE

- Bid bond, release from, § 14:5
- Mechanics' liens, § 13:26

RETALIATION

- Virginia Fraud Against Taxpayers Act, retaliation unlawful, § 8:8

SPECIFICATIONS

Defective, § 10:4

STANDARD OF CARE

Liability of construction professional, § 12:2

STATEWIDE BUILDING CODE

Uniform Statewide Building Code, this index

STATUTE OF LIMITATIONS

Construction contract disputes, § 15:16

STAY

Public contracts, stay of contract performance, § 4:50

SUBCONTRACTORS

Contracting overview, § 1:7

Licensing of Contractors and Construction Professionals, this index

Mechanics' liens, § 13:9 to 13:11

SUBSTANTIAL PERFORMANCE

Construction contracts, private, § 10:13

SUPREME COURT

Dispute resolution, § 15:3

SURETIES

Bonds and Undertakings, this index

Contracting overview, § 1:8

TERMINATION

Damages, § 11:15

Performance disputes

Generally, § 10:15

Public Contracts, this index

THIRD-PARTY BENEFICIARIES

Liability of construction professional, § 12:7

THIRD-PARTY LIABILITY

Generally, § 12:5

TRADESMEN

Licensing of, § 2:13

TRANSPORTATION

PPTA. Public-Private Partnerships, this index

VDOT. Public Contracts, this index

UNIFORM STATEWIDE BUILDING CODE

Generally, § 3:1 to 3:15

Civil liability, § 3:15

Civil penalties, § 3:14

Construction Code, § 3:7

Criminal penalties, § 3:14

INDEX

UNIFORM STATEWIDE BUILDING CODE—Cont'd

Definitions, § 3:2

Enforcement

generally, § 3:10

existing buildings and structures, § 3:12

new construction, § 3:11

Existing buildings and structures

code enforcement, § 3:12

rehabilitation, § 3:5

Maintenance Code, § 3:9

New construction, enforcement, § 3:11

Penalties, criminal and civil, § 3:14

Promulgation by Board, § 3:3

Provisions, § 3:4, 3:5

Rehabilitation Code, § 3:8

Rehabilitation of existing buildings, provisions related to, § 3:5

Three building codes, § 3:6

Violations

generally, § 3:13

civil liability, § 3:15

criminal and civil penalties, § 3:14

VENUE

Civil actions relating to construction contracts, § 15:8

VIRGINIA CONTRACTOR RECOVERY ACT

Generally, § 2:14

VIRGINIA FRAUD AGAINST TAXPAYERS ACT

Public Contracts, this index

VIRGINIA HIGHWAY CORPORATION ACT OF 1988

Generally, § 7:5, 7:17

VIRGINIA UNIFORM ARBITRATION ACT

Generally, § 15:13

WAGE THEFT STATUTE

Construction contracts, private, § 10:10

WAIVERS

Mechanics' liens, § 13:26

WARRANTIES

Contractor warranties, § 10:16