



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
1401 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219 2000

**Charles A. Kilpatrick, P.E.**  
Commissioner

December 1, 2016

The Honorable C. Todd Gilbert  
Chairman, House General Laws Committee  
P.O. Box 309  
Woodstock, Virginia 22664

The Honorable Charles W. Carrico, Sr.  
Chairman, Senate Transportation Committee  
P.O. Box 1100  
Galax, Virginia 24333

Dear Chairman Gilbert and Chairman Carrico:

Chapter 783 of the 2012 Acts of Assembly directs the Virginia Department of Transportation (VDOT) to report annually by December 1<sup>st</sup> on certain information relating to performance and payment bonds. The Act specifically directs VDOT to report the following information to the Chairmen of the House Committee on General Laws and the Senate Transportation Committee:

- The number of companies that were unable to procure a performance or payment bond pursuant to subsection H of Va. Code § 2.2-4337;
- The number of waivers granted by the Department pursuant to subsection H of Va. Code § 2.2-4337; and
- The number of companies that were enrolled in any Department of Treasury, Division of Risk Management self-bonding program for Department projects.

In 2016, there was one company conducting business with VDOT that was unable to procure a performance or payment bond pursuant to subsection H of Va. Code § 2.2-4337. The requirement of a bond was waived by VDOT for a total of two projects. In accordance with Chapter 783, both waivers were granted after proof of denial of a bond from a surety company. The company was referred to and utilized the Virginia Department of Treasury's self-bonding program.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. A. Kilpatrick'.

Charles A. Kilpatrick, P. E.  
Commissioner of Highways

cc: The Honorable Aubrey L. Layne, Jr.