

# 2005 SESSION

## HOUSE SUBSTITUTE

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### HOUSE BILL NO. 2151

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws  
on February 3, 2005)

(Patron Prior to Substitute—Delegate Amundson)

A *BILL to amend and reenact § 2.2-4324 of the Code of Virginia, relating to the Virginia Public Procurement Act; preference for Virginia firms.*

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

**1. That § 2.2-4324 of the Code of Virginia is amended and reenacted as follows:**

§ 2.2-4324. Preference for Virginia products with recycled content and for Virginia firms.

A. In the case of a tie bid, preference shall be given to goods produced in Virginia, goods or services or construction provided by Virginia persons, firms or corporations; otherwise the tie shall be decided by lot.

B. Whenever ~~any~~*the lowest and responsive and responsible* bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a *percentage* preference, a like preference ~~may~~ *shall* be allowed to the lowest *responsive and* responsible bidder who is a resident of Virginia *and is the next lowest bidder. If the lowest bidder is a resident contractor of a state with an absolute preference, the bid shall not be considered.*

C. Notwithstanding the provisions of subsections A and B, in the case of a tie bid in instances where goods are being offered, and existing price preferences have already been taken into account, preference shall be given to the bidder whose goods contain the greatest amount of recycled content.

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