

10100958D

HOUSE BILL NO. 831

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-4303.1, relating to the Virginia Public Procurement Act; qualification to conduct business in the Commonwealth.*

Patrons—Surovell; Senator: Petersen

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 2.2-4303.1 as follows:**

§ 2.2-4303.1. *Ineligibility of foreign business entities not authorized to transact business in the Commonwealth.*

A. *In the solicitation or awarding of contracts, a public body shall neither accept a bid from nor award a contract to:*

1. *A foreign corporation, as defined in § 13.1-603, unless the foreign corporation provides to the public body when submitting a bid and, if applicable, when executing any contract, including any amendment or renewal thereof, an attested copy of a valid certificate of authority to transact business in the Commonwealth issued to the foreign corporation by the State Corporation Commission pursuant to § 13.1-759;*

2. *A foreign corporation, as defined in § 13.1-803, unless the foreign corporation provides to the public body when submitting a bid and, if applicable, when executing any contract, including any amendment or renewal thereof, an attested copy of a valid certificate of authority to transact business in the Commonwealth issued to the foreign corporation by the State Corporation Commission pursuant to § 13.1-921;*

3. *A foreign limited liability company, as defined in § 13.1-1002, unless the foreign limited liability company provides to the public body when submitting a bid and, if applicable, when executing any contract, including any amendment or renewal thereof, an attested copy of a valid certificate of registration to transact business in the Commonwealth issued to the foreign limited liability company by the State Corporation Commission pursuant to § 13.1-1052;*

4. *A foreign business trust, as defined in § 13.1-1201, unless the foreign business trust provides to the public body when submitting a bid and, if applicable, when executing any contract, including any amendment or renewal thereof, an attested copy of a valid certificate of registration to transact business in the Commonwealth issued to the foreign business trust by the State Corporation Commission pursuant to § 13.1-1242;*

5. *A foreign limited partnership, as defined in § 50-73.1, unless the foreign limited partnership provides to the public body when submitting a bid and, if applicable, when executing any contract, including any amendment or renewal thereof, an attested copy of a valid certificate of registration to transact business in the Commonwealth issued by the State Corporation Commission to the foreign limited partnership pursuant to § 50-73.54; or*

6. *A foreign registered limited liability partnership, as defined in § 50-73.79, unless the foreign registered limited liability partnership provides to the public body when submitting a bid and, if applicable, when executing any contract, including any amendment or renewal thereof, an attested copy of a valid certificate of registration to transact business in the Commonwealth issued by the State Corporation Commission to the foreign registered limited liability partnership pursuant to § 50-73.138.*

B. *A determination by a public body that a business is ineligible to bid on, or enter into, a contract pursuant to the provisions of subsection A shall be subject to the requirements of § 2.2-4357.*

C. *Any business described in subdivision A 1 through A 6 that enters into a contract with a public body pursuant to this chapter shall maintain, at all times during the term of the contract and for a period of five years following the completion of the term of the contract, a valid certificate of authority or registration, as applicable, to transact business in the Commonwealth.*

D. *Any contract entered into with a business that fails to comply with any requirement of this section shall be voidable at the option of the public entity.*

INTRODUCED

HB831