

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 2.2-4311.2, relating to the Virginia*
3 *Public Procurement Act; authorization to transact business in the Commonwealth.*

4 [H 831]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 2.2-4311.2 as follows:**

8 *§ 2.2-4311.2. Compliance with state law; foreign and domestic businesses authorized to transact*
9 *business in the Commonwealth.*

10 *A. All public bodies shall include in every written contract a provision that a contractor organized*
11 *as a stock or nonstock corporation, limited liability company, business trust, or limited partnership or*
12 *registered as a registered limited liability partnership shall be authorized to transact business in the*
13 *Commonwealth as a domestic or foreign business entity if so required by Title 13.1 or Title 50 or as*
14 *otherwise required by law.*

15 *B. Pursuant to competitive sealed bidding or competitive negotiation, all public bodies shall include*
16 *in the solicitation a provision that requires a bidder or offeror organized or authorized to transact*
17 *business in the Commonwealth pursuant to Title 13.1 or Title 50 to include in its bid or proposal the*
18 *identification number issued to it by the State Corporation Commission. Any bidder or offeror that is*
19 *not required to be authorized to transact business in the Commonwealth as a foreign business entity*
20 *under Title 13.1 or Title 50 or as otherwise required by law shall include in its bid or proposal a*
21 *statement describing why the bidder or offeror is not required to be so authorized.*

22 *C. Any bidder or offeror described in subsection B that fails to provide the required information*
23 *shall not receive an award unless a waiver of this requirement and the administrative policies and*
24 *procedures established to implement this section is granted by the Director of the Department of*
25 *General Services or his designee or by the chief executive of a local governing body.*

26 *D. Any business entity described in subsection A that enters into a contract with a public body*
27 *pursuant to this chapter shall not allow its existence to lapse or its certificate of authority or*
28 *registration to transact business in the Commonwealth, if so required under Title 13.1 or Title 50, to be*
29 *revoked or cancelled at any time during the term of the contract.*

30 *E. A public body may void any contract with a business entity if the business entity fails to remain in*
31 *compliance with the provisions of this section.*

ENROLLED

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