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HOUSE BILL NO. 831**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on General Laws
on February 11, 2010)

(Patron Prior to Substitute—Delegate Surovell)

A BILL to amend the Code of Virginia by adding a section numbered 2.2-4311.2, relating to the Virginia Public Procurement Act; qualification to conduct business in the Commonwealth.

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

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

A. All public bodies shall include in every written contract a provision that the contractor shall be authorized to transact business in the Commonwealth as a domestic or foreign business entity as required by the State Corporation Commission in Title 13.1 or Title 50 or as otherwise required by law.

B. Pursuant to competitive sealed bidding or competitive negotiation, all public bodies shall include in the solicitation a provision that requires the bidder or offeror to include in its bid or proposal the State Corporation Commission ID number if the bidder or offeror is required to register under Title 13.1 or Title 50 or as otherwise required by law in order to perform the requirements required in the solicitation. Any bidder or offeror that is not required to register with the State Corporation Commission under Title 13.1 or Title 50 or as otherwise required by law shall include in its bid or proposal a statement describing why the bidder or offeror is not required to register with the State Corporation Commission.

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

D. Any business described in subsection B that enters into a contract with a public body pursuant to this chapter shall maintain, at all times during the term of the contract, a valid certificate of incorporation, certificate of organization, or authority to transact business in the Commonwealth as required by the State Corporation Commission.

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