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SENATE BILL NO. 506

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 9.3 of Title 24.2 a section numbered 24.2-945.3, relating to political contributions; prohibition during procurement process.*

Patron—Smith

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 9.3 of Title 24.2 a section numbered 24.2-945.3 as follows:

§ 24.2-945.3. Contributions; prohibition during procurement process.

A. No bidder or offeror who has submitted a bid or proposal for the award of a public contract pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), any individual who is a controlling person of such a bidder or offeror, or any person acting on behalf of a bidder or offeror shall make, directly or indirectly, a contribution of money or other thing of value or make an express or implied promise to make a contribution to any campaign committee, political action committee, or political party committee during the period between the submission of the bid or proposal and the award of the public contract. The provisions of this section shall only apply for public contracts where the expected value of such contract is \$1 million or greater.

B. Any person who violates this section shall be subject to a civil penalty of up to two times the amount of the contribution. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund.

C. For purposes of this section, a "controlling person" means an individual who is an officer, director, or partner, or who occupies a similar status or performs a similar function, of any legal or commercial entity, or any individual who possesses, directly or indirectly, the power to direct or cause the direction of the management and policies of any legal or commercial entity.

INTRODUCED

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