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HOUSE BILL NO. 304

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 2, 1994)

(Patron Prior to Substitute—Delegate Martin)

A BILL to amend and reenact § 11-79 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 11-47.4, relating to the Virginia Public Procurement Act.

Be it enacted by the General Assembly of Virginia:

1. That § 11-79 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 11-47.4 as follows:

§ 11-79. Purchase of building materials, etc., from architect or engineer prohibited.

~~Except in cases of emergency, no~~ *A. No building materials, supplies or equipment for any building or structure constructed by or for a public body shall be sold by or purchased from any person employed as an independent contractor by the public body to furnish architectural or engineering services, but not construction, for such building or structure; from any entity which has provided or is currently providing design services specifying a sole source for such materials, supplies or equipment to be used in such building or structure to the independent contractor employed by the public body to furnish architectural or engineering service; or from any partnership, association or corporation in which such architect or engineer has a pecuniary personal interest as defined in § 2.1-639.2.*

B. No building materials, supplies or equipment for any building or structure constructed by or for a public body shall be sold by or purchased from any entity which has provided or is currently providing design services specifying a sole source for such materials, supplies or equipment to be used in such building or structure to the independent contractor employed by the public body to furnish architectural or engineering services in which such entity has a personal interest as defined in § 2.1-639.2.

C. The provisions of subsections A and B shall not apply in cases of emergency.

§ 11-47.4. Preference for local products and firms; applicability.

A. The governing body of a county, city or town may, in the case of a tie bid, give preference to goods, services and construction produced in such locality or provided by persons, firms or corporations having principal places of business in such locality, if such a choice is available; otherwise the tie shall be decided by lot.

B. The provisions of this section shall apply only to bids submitted pursuant to a written Invitation to Bid.