

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.1-639.6 of the Code of Virginia, relating to conflicts of interests;*
3 *prohibited contracts by officers and employees of state government.*

4 [H 2537]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.1-639.6 of the Code of Virginia is amended and reenacted as follows:**

8 § 2.1-639.6. Prohibited contracts by officers and employees of state government.

9 A. No officer or employee of any governmental agency of state government shall have a personal
10 interest in a contract with the governmental agency of which he is an officer or employee, other than his
11 own contract of employment.

12 B. No officer or employee of any governmental agency of state government shall have a personal
13 interest in a contract with any other governmental agency of state government unless such contract is (i)
14 awarded as a result of competitive sealed bidding or competitive negotiation as defined in § 11-37 or (ii)
15 is awarded after a finding, in writing, by the administrative head of the governmental agency that
16 competitive bidding or negotiation is contrary to the best interest of the public.

17 C. The provisions of this section shall not be applicable to:

18 1. An employee's personal interest in additional contracts of employment with his own governmental
19 agency which accrue to him because of a member of his immediate family, provided the employee does
20 not exercise any control over the employment or the employment activities of the member of his
21 immediate family and the employee is not in a position to influence those activities;

22 2. The personal interest of an officer or employee of a state institution of higher education in
23 additional contracts of employment with his own governmental agency which accrue to him because of a
24 member of his immediate family, provided (i) the officer or employee and the immediate family member
25 are engaged in teaching, research or administrative support positions at the educational institution, (ii)
26 the governing board of the educational institution finds that it is in the best interests of the institution
27 and the Commonwealth for such dual employment to exist, and (iii) after such finding, the board
28 ensures that the officer or employee, or the immediate family member, does not *have sole authority to*
29 *supervise, evaluate, or otherwise participate in make* personnel decisions regarding the other;

30 3. An officer's or employee's personal interest in a contract of employment with any other
31 governmental agency of state government;

32 4. Contracts for the sale by a governmental agency of services or goods at uniform prices available
33 to the general public;

34 5. An employee's personal interest in a contract between a state institution of higher education and a
35 publisher or wholesaler of textbooks or other educational materials for students, which accrues to him
36 solely because he has authored or otherwise created such textbooks or materials;

37 6. An employee's personal interest in a contract between a state institution of higher education which
38 operates a school of medicine or dentistry and a not-for-profit nonstock corporation which operates a
39 clinical practice within such state institution and of which such employee is a member or employee; or

40 7. An employee's personal interest in a contract for research and development between a state
41 institution of higher education and a business in which the employee has a personal interest, if (i) the
42 employee's personal interest has been disclosed to and approved by the state institution of higher
43 education prior to the time at which the contract is entered into; (ii) the employee promptly files a
44 disclosure statement pursuant to § 2.1-639.15 and thereafter files such statement annually on or before
45 January 15; and (iii) the institution has established a formal policy regarding such contracts, approved by
46 the State Council of Higher Education.