

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 83

An Act to amend and reenact § 11-74 of the Code of Virginia, relating to the Public Procurement Act; transactions by certain public employees.

[H 2271]

Approved March 2, 1997

Be it enacted by the General Assembly of Virginia:

1. That § 11-74 of the Code of Virginia is amended and reenacted as follows:

§ 11-74. Proscribed participation by public employees in procurement transactions.

Except as may be specifically allowed by ~~provisions of the State and Local Government Conflict of Interests Act (§ 2.1-639.1 et seq.) subdivisions A 2 and A 3 of § 2.1-639.11,~~ no public employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the public body when the employee knows that:

1. The employee is contemporaneously employed by a bidder, offeror or contractor involved in the procurement transaction; or

2. The employee, the employee's partner, or any member of the employee's immediate family holds a position with a bidder, offeror or contractor such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five percent; or

3. The employee, the employee's partner, or any member of the employee's immediate family has a pecuniary interest arising from the procurement transaction; or

4. The employee, the employee's partner, or any member of the employee's immediate family is negotiating, or has an arrangement concerning, prospective employment with a bidder, offeror or contractor.

2. That the provisions of this act shall not affect the validity of any procurement transaction or contract entered into prior to July 1, 1997.