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**HOUSE BILL NO. 2333**

House Amendments in [ ] - February 7, 2011

*A BILL to amend and reenact § 2.2-4324 of the Code of Virginia, relating to the Virginia Public Procurement Act; preference for Virginia firms using the E-Verify program.*

Patron Prior to Engrossment—Delegate Lingamfelter

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-4324 of the Code of Virginia is amended and reenacted as follows:**

§ 2.2-4324. Preference for Virginia products with recycled content and for Virginia firms.

A. In the case of a tie bid, preference shall be given to goods or services or construction provided by persons, firms or corporations [ presently ] using the E-Verify program for employees who perform work within the Commonwealth. In the case of a tie bid where no bidder uses [ , or all bidders use, ] the E-Verify program, preference shall be given to goods produced in Virginia, or goods or services or construction provided by Virginia persons, firms or corporations; otherwise. In all other cases the tie shall be decided by lot.

B. Whenever the lowest responsive and responsible bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a percentage preference, a like preference shall be allowed to the lowest responsive and responsible bidder who is a resident of Virginia and is the next lowest bidder. If the lowest bidder is a resident contractor of a state with an absolute preference, the bid shall not be considered. The Department of General Services shall post and maintain an updated list on its website of all states with an absolute preference for their resident contractors and those states that allow their resident contractors a percentage preference, including the respective percentage amounts. For purposes of compliance with this section, all public bodies may rely upon the accuracy of the information posted on this website.

C. Notwithstanding the provisions of subsections A and B, in the case of a tie bid in instances where goods are being offered, and existing price preferences have already been taken into account, preference shall be given to the bidder whose goods contain the greatest amount of recycled content.

ENGROSSED

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