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1 **HOUSE BILL NO. 1145**
2 Offered January 16, 2012
3 *A BILL to amend and reenact § 2.2-4328 of the Code of Virginia, relating to the Virginia Public*
4 *Procurement Act; preference for local businesses.*
5 ————————

Patron—Sherwood
6 ————————
7 Referred to Committee on General Laws
8 ————————
9 **Be it enacted by the General Assembly of Virginia:**
10 **1. That § 2.2-4328 of the Code of Virginia is amended and reenacted as follows:**
11 § 2.2-4328. Preference for local products and firms; applicability.
12 A. ~~The governing body of a county, city or town~~ *A locality* may, in the case of a tie bid, give
13 preference to goods, services, and construction produced in such locality or provided by persons, firms,
14 or corporations having principal places of business in the locality, if such a choice is available;
15 otherwise the tie shall be decided by lot, unless § 2.2-4324 applies.
16 B. *Whenever the lowest responsive and responsible bidder has a principal place of business outside*
17 *of the locality and a bidder who has a principal place of business within the locality has competed for*
18 *the same contract, the locality may award the contract to the bidder whose principal place of business*
19 *is located in the locality provided such bidder's bid is within five percent of the lowest bid.*
20 *Prior to awarding a contract under the preference provided by this subsection, the locality shall*
21 *certify in writing that (i) exercising the preference provides comparable quality in terms of the goods,*
22 *services, and construction as compared to other non-local bids and (ii) using a local business provides*
23 *beneficial economic effects in the community through creating and sustaining local jobs and by*
24 *generating local tax revenues.*
25 *The provisions of this subsection shall not apply to the procurement of telecommunications services*
26 *or information services as defined in 47 USC § 153.*
27 *C.* The provisions of this section shall apply only to bids submitted pursuant to a written Invitation
28 to Bid.