

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-4324 of the Code of Virginia, relating to Virginia Public*  
3 *Procurement Act; preference for goods produced in the United States.*

4 [S 260]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-4324 of the Code of Virginia is amended and reenacted as follows:**8 **§ 2.2-4324. Preferences; goods produced in Virginia, in United States, or with recycled content.**

9 A. In the case of a tie bid, preference shall *first* be given to goods produced in Virginia, ~~goods or~~  
10 ~~services or construction provided by Virginia persons, firms or corporations and preference shall then be~~  
11 ~~given to goods produced in the United States~~; otherwise the tie shall be decided by lot.

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

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

27 D. ~~For the purposes of this section, a Virginia person, firm or corporation shall be deemed to be a~~  
28 ~~resident of Virginia if such person, firm or corporation has been organized pursuant to Virginia law or~~  
29 ~~maintains a principal place of business within Virginia.~~

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