

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB210

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Petersen

3. Committee: Passed Both Houses

4. Title: Virginia Public Procurement Act; public higher educational institutions, disclosure by offerors.

5. Summary: Requires every offeror awarded a contract by a public institution of higher education for any construction project that has a total cost of \$5 million or more to disclose any contributions the offeror has made within the previous five-year period totaling \$25,000 or more to the public institution of higher education or any private foundation that exists solely to support the public institution of higher education. Offerors who desire to protest the award or decision may do so in accordance with the existing protest provisions of the Virginia Public Procurement Act, but the bill specifies that no protest shall lie for a claim that the selected offeror was awarded a contract solely based on such offeror's contribution to the public institution of higher education. The bill imposes a \$500 civil penalty on any offeror that knowingly fails to submit the required disclosure. The bill includes a sunset date of June 30, 2027.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: No state fiscal impact.

8. Fiscal Implications: This legislation is not expected to generate a state fiscal impact. Offerors who fail to submit the disclosure required by the bill are subject to a \$500 civil penalty, to be paid into the state general fund, however, the number of such incidents and subsequent civil penalty payments is indeterminate.

9. Specific Agency or Political Subdivisions Affected: All public institutions of higher education

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is similar to HB19.