



# COMMONWEALTH of VIRGINIA

*Department of General Services*

Richard F. Sliwoski, P.E.  
Director

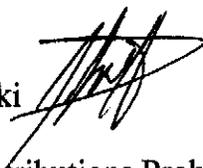
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Deputy Director

December 13, 2010

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## **Memorandum**

**To:** Ron Bell  
Bert Jones

**From:** Richard Sliwoski 

**Re:** Directive – Contributions Prohibited During Procurement Process

In response to reporting requirements in the above referenced Directive from the Chief of Staff (Directive attached to this memo), please pass this memo on to your State Agency and Institution of Higher Education contacts via e-mail. This information will also be sent State Agencies and Institutions in the Leadership Communiqué later this week.

In response to Senate Bill 506, approved during the 2010 General Assembly Session, the Department of General Services (DGS) has prepared instructions and a spreadsheet report form for Agencies and Institutions of Higher Education to report specific vendor information. Provided with this memo are the instructions. Agencies and institutions that have reportable data are to begin reporting data to DGS no later than Friday, December 17, 2010. Also, please send the spreadsheet form file as part of your e-mail message.

Instructions follow:

All executive branch agencies and institutions of higher education shall provide on a weekly basis to the Department of General Services a report listing all vendors that have submitted a proposal (sealed, unsealed, or unsolicited) or an unsealed bid that could result in a contract valued at \$5,000,000 or more.

There is NO requirement to report vendor information for procurements being conducted using the competitive sealed bidding process as defined in Code of Virginia § 2.2-4301.

- Initial reports shall be prepared using the attached spreadsheet and are DUE to DGS no later than December 17, 2010. Data to be reported is identified in the spreadsheet and should be available from vendor's submitted bid or proposal documents.

- Reports shall be updated weekly by making appropriate changes (additions and deletions) to the previously submitted report.
- Weekly reports, using the provided spreadsheet, shall be submitted to the DGS e-mail address: [active.bidder@dgs.virginia.gov](mailto:active.bidder@dgs.virginia.gov)
- Weekly reports shall be submitted to the specified DGS email address every Friday by 4pm.
- Weekly reports shall be submitted even if there are no changes to the previously submitted report.
- Reportable data shall be added to the first weekly report submitted to DGS on or after the bid/proposal submission deadline or the date an unsolicited proposal was received.
- Reportable data shall be removed from the first weekly report submitted to DGS on or after the procurement is awarded or cancelled or the first weekly report submitted to DGS on or after the bid/proposal was rejected.
- There is to be only one weekly report (spreadsheet) submitted by each executive branch agency and institution of higher education. Each weekly report shall include all vendors that meet the reporting criteria on the date the report is submitted.
- No report is required from an executive branch agency or institution of higher education that does not have any bids or proposals that falls within the scope of the reporting criteria.
- Questions? Contact Joe Damico, DGS Deputy Director at: [joe.damico@dgs.virginia.gov](mailto:joe.damico@dgs.virginia.gov) or phone: 804-786-3311

Attachment

December 10, 2010



*Commonwealth of Virginia*  
*Office of Governor Bob McDonnell*

**MEMORANDUM**

**TO:** Cabinet Secretaries and Executive Branch Agency Heads

**FROM:** Martin L. Kent, Chief of Staff

**SUBJECT:** Directive – Contributions Prohibited During Procurement Process

Recent changes to the Code of Virginia (see §§ 2.2-3104.01, 2.2-4376.1, 56-573.3, 56-575.17:1) provide that neither the Governor, his political action committee, nor any pertinent Secretaries shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity who has submitted a bid or proposal pursuant to the Virginia Public Procurement Act, the Public-Private Transportation Act of 1995, or the Public-Private Education Facilities and Infrastructure Act of 2002, or from an officer or director of such bidder, offeror, or private entity, during the period between submission of the bid or proposal and award of a contract. The restrictions apply if the stated or expected value of the contract is \$5 million or more and do not apply to contracts awarded as the result of competitive sealed bidding.

Furthermore, the Code of Virginia provides that no bidder, offeror, private entity, officer, or director shall knowingly provide, or make an express or implied promise to make, such a contribution, gift, or other item to the Governor, his political action committee, or any of his pertinent Secretaries in the circumstances described above. Any person who violates these Code provisions shall be subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater.

Pursuant to the Governor's instructions to ensure compliance with the above mentioned

provisions, I hereby direct his Secretaries and all executive branch agencies and institutions to comply with the following protocol:

1. The Department of General Services (DGS) shall develop guidelines for the Governor's Secretaries and executive branch agencies and institutions to report weekly all outstanding procurements and associated information that meet the above criteria.
2. Each Secretary and executive branch agency and institution shall report weekly to DGS all outstanding procurements and associated information that fit meet the above criteria in accordance with the guidelines developed by DGS.
3. Prior to accepting any gift or other item with a value greater than \$50, each Secretary shall consult with the Governor's Counsel's Office and use the weekly reports submitted to DGS described above to ensure that such gift is not from a prohibited source.
4. DGS shall prepare a consolidated weekly report of outstanding procurements and associated information that meet the above criteria and submit it to the Governor's Counsel's Office for comparison to a list of contributions to the Governor, his political action committee, and to Secretaries that shall include the name of the individual contributor, employer, whether an officer or director of the organization, and amount of the contribution.