

1 SENATE BILL NO. 962
 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
 3 (Proposed by the House Committee on General Laws
 4 on _____)
 5 (Patron Prior to Substitute—Senator Carroll Foy)

6 *A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 43 of Title 2.2 a section numbered*
 7 *2.2-4302.3, relating to Virginia Public Procurement Act; additional public works contract requirements.*

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

9 **1. That the Code of Virginia is amended by adding in Article 1 of Chapter 43 of Title 2.2 a section**
 10 **numbered 2.2-4302.3 as follows:**

11 *§ 2.2-4302.3. Additional public works contract requirements.*

12 *A. For the purposes of this section:*

13 *"Apprentice" means the same as that term is defined in § 2.2-2043.*

14 *"Capital outlay project" means the same as that term is defined in § 2.2-1515.*

15 *"Labor hours" means the total hours of employees receiving an hourly wage who are directly employed*
 16 *on the site of a capital outlay project. "Labor hours" includes hours performed by employees employed by the*
 17 *contractor and all subcontractors working on the project. "Labor hours" does not include hours worked by*
 18 *foremen, superintendents, or owners.*

19 *B. For any capital outlay project, a public body shall require the contractor and its subcontractors to*
 20 *comply with the following requirements:*

21 *1. Completion of specified safety training programs established by the U.S. Department of Labor's*
 22 *Occupational Safety and Health Administration;*

23 *2. Maintenance of records of compliance with applicable local, state, and federal laws; and*

24 *3. Participation in apprenticeship training programs approved by the Commonwealth or the U.S.*
 25 *Department of Labor and compliance with the provisions of subsection C.*

26 *C. At least eight percent of total labor hours of any capital outlay project shall be required to be*
 27 *performed by apprentices. A public body shall require the contractor and its subcontractors subject to this*
 28 *section to provide reports certifying the apprentice labor hours worked and applicable trade.*

29 *D. Upon a written determination made in advance by (i) the Governor or his designee in the case of a*
 30 *procurement by the Commonwealth or by a department, agency, or institution thereof or (ii) the local*

31 *governing body in the case of a procurement by a political subdivision of the Commonwealth, a public body*
32 *may adjust or waive the requirements of this section for a specific capital outlay project for the following*
33 *reasons:*

34 *1. The demonstrated lack of availability of apprentices in specific geographic areas; or*

35 *2. A disproportionately high ratio of material costs to labor hours that makes the required minimum level*
36 *of apprentice participation not feasible.*

37 **2. That the provisions of this act shall become effective on July 1, 2026.**