

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 1 of Chapter 43 of Title 2.2 a section numbered*
3 *2.2-4302.3, relating to Virginia Public Procurement Act; additional public works contract requirements.*

4 [S 962]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding in Article 1 of Chapter 43 of Title 2.2 a section**
8 **numbered 2.2-4302.3 as follows:**9 **§ 2.2-4302.3. Additional public works contract requirements.**10 *A. For the purposes of this section:*11 *"Apprentice" means the same as that term is defined in § 2.2-2043.*12 *"Capital outlay project" means the same as that term is defined in § 2.2-1515.*13 *"Labor hours" means the total hours of employees receiving an hourly wage who are directly employed*
14 *on the site of a capital outlay project. "Labor hours" includes hours performed by employees employed by the*
15 *contractor and all subcontractors working on the project. "Labor hours" does not include hours worked by*
16 *foremen, superintendents, or owners.*17 *B. For any capital outlay project, a public body shall require the contractor and its subcontractors to*
18 *comply with the following requirements:*19 *1. Completion of specified safety training programs established by the U.S. Department of Labor's*
20 *Occupational Safety and Health Administration;*21 *2. Maintenance of records of compliance with applicable local, state, and federal laws; and*22 *3. Participation in apprenticeship training programs approved by the Commonwealth or the U.S.*
23 *Department of Labor and compliance with the provisions of subsection C.*24 *C. At least eight percent of total labor hours of any capital outlay project shall be required to be*
25 *performed by apprentices. A public body shall require the contractor and its subcontractors subject to this*
26 *section to provide reports certifying the apprentice labor hours worked and applicable trade.*27 *D. Upon a written determination made in advance by (i) the Governor or his designee in the case of a*
28 *procurement by the Commonwealth or by a department, agency, or institution thereof or (ii) the local*
29 *governing body in the case of a procurement by a political subdivision of the Commonwealth, a public body*
30 *may adjust or waive the requirements of this section for a specific capital outlay project for the following*
31 *reasons:*32 *1. The demonstrated lack of availability of apprentices in specific geographic areas; or*33 *2. A disproportionately high ratio of material costs to labor hours that makes the required minimum level*
34 *of apprentice participation not feasible.*35 *E. The provisions of this section shall not apply to transportation-related construction projects.*36 **2. That the provisions of this act shall become effective on July 1, 2026.**