

SENATE BILL NO. 366

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology

on _____)

(Patron Prior to Substitute—Senator Carroll Foy)

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

Be it enacted by the General Assembly of Virginia:

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

§ 2.2-4302.3. Additional public works contract requirements.

A. For the purposes of this section:

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

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

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

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

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

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

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

C. For capital outlay projects in excess of \$250,000, at least eight percent of the total labor hours shall be required to be performed by apprentices. A public body shall require the contractor and its subcontractors subject to this section to provide reports certifying the apprentice labor hours worked and the applicable trade.

D. Upon a written determination made in advance by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency, or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, a public body

33 *may adjust or waive the requirements of this section for a specific capital outlay project for the following*
34 *reasons:*

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

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

38 *E. The provisions of this section shall not apply to transportation-related construction projects.*

39 **2. That the provisions of this act shall become effective on July 1, 2027.**