

22106289D

HOUSE BILL NO. 1091

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 10, 2022)

(Patron Prior to Substitute—Delegate Wilt)

A *BILL to amend and reenact § 2.2-4321.2 of the Code of Virginia, relating to the Virginia Public Procurement Act; project labor agreements.*

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4321.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4321.2. Public works contracts; project labor agreements authorized.

A. As used in this section:

"Project labor agreement" means a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific public works project.

"Public body" has the same meaning as provided in § 2.2-4301.

"Public works" means the operation, erection, construction, alteration, improvement, maintenance, or repair of any public facility or immovable property owned, used, or leased by a public body.

B. Each public body, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, or when overseeing or administering such procurement, construction, manufacture, maintenance, or operation, may, in its bid specifications, project agreements, or other controlling documents:

1. Require bidders, offerors, contractors, or subcontractors to enter into or adhere to project labor agreements with one or more labor organizations, on the same or related public works projects; and

2. Require bidders, offerors, contractors, subcontractors, or operators to become or remain signatories or otherwise to adhere to project labor agreements with one or more labor organizations, on the same or other related public works projects.

C. Prior to requiring bidders, offerors, contractors, subcontractors, or operators on public works contracts to enter into, become or remain signatories to, or adhere to project labor agreements pursuant to subsection B, each public body shall make a written determination that such project labor agreement:

1. Advances the public's interests based on objective criteria established by the public body by regulation or ordinance, such as cost, efficiency, quality, safety, timeliness, maintenance of a skilled labor force, labor stability, or advancing minority-owned and women-owned business participation in the project;

2. Sets forth mutually binding procedures for resolving disputes that can be implemented without delaying the project;

3. Includes guarantees against a strike, lockout, or other concerted action aimed at slowing or stopping the progress of the public works project;

4. Permits the selection of the lowest responsive and responsible bidder without regard to labor organization affiliation; and

5. Binds all contractors and subcontractors required to be signatories to or to adhere to such project labor agreement to the terms of the agreement.