

HOUSE BILL NO. 374

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on _____)

(Patron Prior to Substitute—Delegate Williams Graves)

A BILL to amend the Code of Virginia by adding a section numbered 2.2-4303.02, relating to the Virginia Public Procurement Act; construction contracts; requirement to submit list of subcontractors; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-4303.02 as follows:

§ 2.2-4303.02. Construction contracts; requirement to submit list of subcontractors; penalty.

A. All bidders or offerors on contracts for construction of \$250,000 or more shall submit along with their bid or proposal a list of all subcontractors, regardless of tier, that the bidder or offeror intends at the time of submitting the bid or proposal to use on the contract to perform work valued at \$50,000 or more, including labor and materials.

B. Such list of subcontractors shall include the following information:

1. The name and address of each subcontractor;

2. A brief description of the work that will be performed by each subcontractor and the value of such work; and

3. If the subcontractor is required to be licensed pursuant to § 54.1-1103, the subcontractor's license number.

C. Along with the subcontractor list, all such bidders or offerors shall also be required to submit (i) a statement declaring that the bidder or offeror has reviewed the qualifications and performance history of each listed subcontractor and found such qualifications and performance history to be sufficient to qualify the subcontractor to perform the subcontract work and (ii) a statement indicating that the bidder or offeror has received a written statement from each listed subcontractor verifying that such subcontractor

27 (a) has not defaulted on any project within the last three years, (b) has not been suspended or disbarred by
28 any public body within the last three years, and (c) is not currently in bankruptcy.

29 D. The list and statements required to be submitted pursuant to this section shall be prepared by a
30 person employed by the bidder or offeror who has sufficient authority and knowledge to attest to such
31 information. The person preparing such list and statements shall certify, under the penalty of perjury, that
32 the information provided is true and accurate.

33 E. Upon reviewing such list and statements, the public body may disqualify any subcontractor
34 included on the list from working on the contract if all information required to be submitted pursuant to
35 this section related to such contractor has not been submitted. If the public body chooses to disqualify a
36 subcontractor, the public body shall notify the bidder or offeror and shall provide the bidder or offeror a
37 reasonable amount of time to find a qualified replacement.

38 F. If a bidder or offeror fails to submit the list and statements required by this section, the bidder
39 or offeror's bid or proposal for the contract may be disqualified.

40 G. Any bidder or offeror that is found to have knowingly provided false information pursuant to
41 this section shall be debarred from contracting with any public body for a period of up to one year and is
42 guilty of perjury, punishable as a Class 5 felony, in violation of § 18.2-434.

43 H. Every bidder or offeror on a contract for construction of \$250,000 or more with a locality having
44 a population in excess of 50,000 shall comply with the provisions of this section. Compliance by a bidder
45 or offeror on a contract for construction of \$250,000 or more with a locality having a population of 50,000
46 or less shall be optional.

47 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
48 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
49 **appropriation cannot be determined for periods of imprisonment in state adult correctional**
50 **facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the**
51 **Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant**
52 **to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for**
53 **periods of commitment to the custody of the Department of Juvenile Justice.**

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