1	HOUSE BILL NO. 1091
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the House Committee on General Laws
4	on)
5	(Patron Prior to SubstituteDelegate Wilt)
6	A BILL to amend and reenact § 2.2-4321.2 of the Code of Virginia, relating to the Virginia Public
7	Procurement Act; project labor agreements.
8	Be it enacted by the General Assembly of Virginia:
9	1. That § 2.2-4321.2 of the Code of Virginia is amended and reenacted as follows:
10	§ 2.2-4321.2. Public works contracts; project labor agreements authorized.
11	A. As used in this section:
12	"Project labor agreement" means a pre-hire collective bargaining agreement with one or more labor
13	organizations that establishes the terms and conditions of employment for a specific public works project.
14	"Public body" has the same meaning as provided in § 2.2-4301.
15	"Public works" means the operation, erection, construction, alteration, improvement, maintenance,
16	or repair of any public facility or immovable property owned, used, or leased by a public body.
17	B. Each public body, when engaged in procuring products or services or letting contracts for
18	construction, manufacture, maintenance, or operation of public works, or when overseeing or
19	administering such procurement, construction, manufacture, maintenance, or operation, may, in its bid
20	specifications, project agreements, or other controlling documents:
21	1. Require bidders, offerors, contractors, or subcontractors to enter into or adhere to project labor
22	agreements with one or more labor organizations, on the same or related public works projects; and
23	2. Require bidders, offerors, contractors, subcontractors, or operators to become or remain
24	signatories or otherwise to adhere to project labor agreements with one or more labor organizations, on
25	the same or other related public works projects.

26	C. Prior to requiring bidders, offerors, contractors, subcontractors, or operators on public works
27	contracts to enter into, become or remain signatories to, or adhere to project labor agreements pursuant to
28	subsection B, each public body shall make a written determination that such project labor agreement:
29	1. Advances the public's interests based on objective criteria established by the public body by
30	regulation or ordinance, such as cost, efficiency, quality, safety, timeliness, maintenance of a skilled labor
31	force, labor stability, or advancing minority-owned and women-owned business participation in the
32	project;
33	2. Sets forth mutually binding procedures for resolving disputes that can be implemented without
34	delaying the project;
35	3. Includes guarantees against a strike, lockout, or other concerted action aimed at slowing or
36	stopping the progress of the public works project;
37	4. Permits the selection of the lowest responsive and responsible bidder without regard to labor
38	organization affiliation; and
39	5. Binds all contractors and subcontractors required to be signatories to or to adhere to such project
40	labor agreement to the terms of the agreement.
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