

SENATE BILL NO. 647

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 and reenact § 2.2-4302.1 of the Code of Virginia, relating to Virginia Public Procurement Act; competitive sealed bidding; required criteria in invitations to bid for certain construction projects.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4302.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4302.1. Process for competitive sealed bidding.

The process for competitive sealed bidding shall include the following:

- 1. Issuance of a written Invitation to Bid containing or incorporating by reference the specifications and contractual terms and conditions applicable to the procurement. Unless the public body has provided for prequalification of bidders, the Invitation to Bid shall include a statement of any requisite qualifications of potential contractors. Any locality may Public bodies shall include in the Invitation to Bid criteria that may will be used in determining whether a bidder who is not prequalified by the Virginia Department of Transportation is a responsible bidder pursuant to § 2.2-4301. Such criteria may Except with respect to procurement of transportation-related construction, such criteria shall include a history or good faith assurances of (i) completion by the bidder and any potential subcontractors of specified safety training programs established by the U.S. Department of Labor, Occupational Safety and Health Administration; (ii) participation by the bidder and any potential subcontractors in any registered apprenticeship training programs approved by state agencies or the U.S. Department of Labor; or and (iii) maintenance by the bidder and any potential subcontractors of records of compliance with applicable local, state, and federal laws. For nontransportation-related construction above \$250,000, such criteria shall also require at least 12.5 percent of total labor hours of any construction required with respect to such bid be performed by

