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SENATE BILL NO. 1174

Offered January 12, 2011

Prefiled January 12, 2011

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-4311.3, relating to the Virginia Public Procurement Act; required provisions for certain school buildings; civil penalty.*

Patron—Marsden

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 2.2-4311.3 as follows:**

§ 2.2-4311.3. *Provisions for construction contracts involving certain school buildings; civil penalty.*

A. *All public bodies shall include in every public construction contract involving a school or school-related facility where students in grades K through 12 will be present during the course of the construction a provision requiring the contractor to:*

1. *Require each employee and individual independent contractor to provide a sworn statement or affirmation disclosing any criminal convictions or any pending criminal charges, whether within or without the Commonwealth. Any person making a materially false statement when providing such sworn statement or affirmation regarding any such offense is guilty upon conviction of a Class 1 misdemeanor. Further dissemination of the information provided pursuant to this subdivision is prohibited other than to a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination. The public body shall obtain for every individual working on the project within 30 days of the start of the work an original criminal record or an original criminal history record from the Central Criminal Records Exchange;*

2. *Establish policies for maintaining a drug-free workplace in compliance with § 2.2-4312, which shall include drug testing when the employer has cause to believe that the person has engaged in the use of illegal drugs, and periodically during the course of employment on the project; and*

3. *Verify through the federal Electronic Work Verification Program or similar electronic verification of work authorization program that all of its employees and individual independent contractors with which it contracts to perform work or provide services pursuant to the contract are legally eligible for employment in the United States.*

B. *Any employee or independent contractor who (i) reveals a criminal record with any felony or any offense against a minor, (ii) fails a drug test, or (iii) fails verification through the federal Electronic Work Verification Program or similar electronic verification of work authorization program shall be removed immediately from the construction site.*

C. *Any contractor who fails to remove an employee from the construction site shall be subject to a civil penalty of no more than \$1,000 for the first violation, no more than \$2,500 for the second violation, and no more than \$50,000 for the third violation. A third violation by any contractor shall constitute a willful violation and result in the immediate termination of the contract or subcontract and debarment from contracting with any public body for a period of not more than three years.*

INTRODUCED

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