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**SENATE BILL NO. 589**

Offered January 19, 2012

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-4312.1, relating to the Virginia Public Procurement Act; resident employment and apprenticeship participation; required contract provisions.*

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Patrons—Deeds and Edwards

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Referred to Committee on General Laws and Technology

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**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 2.2-4312.1 as follows:**

§ 2.2-4312.1. *Resident employment and apprenticeship participation; required contract provisions; compliance report; penalty.*

A. *All public bodies shall include in every contract of more than \$100,000 that involves the performance of work within the Commonwealth the following provisions:*

1. *During the performance of this contract, the contractor agrees as follows:*

a. *To hire 51 percent Virginia residents for all positions created by the contract; and*

b. *To ensure that 35 percent of the total hours worked by apprenticeships created by the contract be performed by Virginia residents;*

2. *The contractor agrees to use the Virginia Employment Commission as the first source of referral for obtaining qualified applicants for any new position; and*

3. *The contractor agrees to include the provisions of subdivisions 1 and 2 in every subcontract so that the provisions will be binding upon each subcontractor.*

B. *Each contractor shall provide a compliance report to the Department of General Services affirming compliance with the required contract provisions.*

C. *A contractor who (i) willfully breaches any of the contract provisions required by this section, (ii) fails to submit a contract compliance report, or (iii) deliberately submits falsified data shall be subject to sanctions including, but not limited to, termination of the contract, nonpayment, and debarment.*

D. *For the purposes of this section, "new position" means any position filled by a person hired by the contractor to perform work under the contract. "New position" shall not include a position that is filled by a current employee of the contractor or an individual who was previously laid off by the contractor.*

INTRODUCED

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