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**SENATE BILL NO. 1170**

Offered January 9, 2013

Prefiled January 9, 2013

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.*

Patrons—Deeds, Black and Edwards

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 2.2-4312.1 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" does 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.

E. The provisions of this section shall not apply to any contracts for the procurement of professional services.

INTRODUCED

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