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HOUSE BILL NO. 769

Offered January 8, 2014

Prefiled January 7, 2014

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-4321.3, relating to the Virginia Public Procurement Act; project labor agreements by certain state agencies.*

Patrons—Hugo and Knight

Referred to Committee on General Laws**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 2.2-4321.3 as follows:****§ 2.2-4321.3. Project labor agreements; contract requirements.**

A. Notwithstanding the provisions of § 2.2-4321.2, and except as provided in subsection B or as required by federal law, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of any project paid for in whole or in part by state funds, or when overseeing or administering such procurement, neither the Commonwealth Transportation Board nor any state transportation agency nor any construction manager acting on behalf of such entities shall, in their bid specifications, project agreements, or other controlling documents, provide an incentive in the scoring of such bids that favors entities entering into project labor agreements.

B. The provisions of this section shall not:

1. Apply to any public-private agreement for any construction or infrastructure project in which the private body, as a condition of its investment or partnership with the entities specified in subsection B, requires that the private body have the right to control its labor relations policy and perform all work associated with such investment or partnership in compliance with all collective bargaining agreements to which the private party is a signatory and is thus legally bound with its own employees and the employees of its contractors and subcontractors in any manner permitted by the National Labor Relations Act (29 U.S.C. § 151 et seq.) or the Railway Labor Act (45 U.S.C. § 151 et seq.);

2. Prohibit an employer or any other person covered by the National Labor Relations Act from entering into agreements or engaging in any other activity protected by law; or

3. Be interpreted to interfere with the labor relations of persons covered by the National Labor Relations Act or the Railway Labor Act.

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