

22104250D

HOUSE BILL NO. 374

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-4303.02, relating to the Virginia Public Procurement Act; construction contracts; requirement to submit list of subcontractors; penalty.*

Patron—Williams Graves

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 2.2-4303.02 as follows:

§ 2.2-4303.02. Construction contracts; requirement to submit list of subcontractors; penalty.

A. All bidders or offerors on contracts for construction of \$250,000 or more shall submit along with their bid or proposal a list of all subcontractors, regardless of tier, that the bidder or offeror intends at the time of submitting the bid or proposal to use on the contract to perform work valued at \$50,000 or more, including labor and materials.

B. Such list of subcontractors shall include the following information:

1. The name and address of each subcontractor;

2. A brief description of the work that will be performed by each subcontractor and the value of such work; and

3. If the subcontractor is required to be licensed pursuant to § 54.1-1103, the subcontractor's license number.

C. Along with the subcontractor list, all such bidders or offerors shall also be required to submit (i) a statement declaring that the bidder or offeror has reviewed the qualifications and performance history of each listed subcontractor and found such qualifications and performance history to be sufficient to qualify the subcontractor to perform the subcontract work and (ii) a statement indicating that the bidder or offeror has received a written statement from each listed subcontractor verifying that such subcontractor (a) has not defaulted on any project within the last three years, (b) has not been suspended or disbarred by any public body within the last three years, and (c) is not currently in bankruptcy.

D. The list and statements required to be submitted pursuant to this section shall be prepared by a person employed by the bidder or offeror who has sufficient authority and knowledge to attest to such information. The person preparing such list and statements shall certify, under the penalty of perjury, that the information provided is true and accurate.

E. Upon reviewing such list and statements, the public body may disqualify any subcontractor included on the list from working on the contract if all information required to be submitted pursuant to this section related to such contractor has not been submitted. If the public body chooses to disqualify a subcontractor, the public body shall notify the bidder or offeror and shall provide the bidder or offeror a reasonable amount of time to find a qualified replacement.

F. If a bidder or offeror fails to submit the list and statements required by this section, the bidder or offeror's bid or proposal for the contract may be disqualified.

G. Any bidder or offeror that is found to have knowingly provided false information pursuant to this section shall be debarred from contracting with any public body for a period of up to one year and is guilty of perjury, punishable as a Class 5 felony, in violation of § 18.2-434.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

HB374