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HOUSE BILL NO. 2288

Offered January 15, 2021

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.*

Patrons—Williams Graves, Krizek, Guy, Levine and Simonds

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.

A. All bidders or offerors on contracts for construction of \$250,000 or more shall be required to submit along with their bid or proposal a list of all subcontractors, regardless of tier, that the bidder or offeror will 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.

E. Upon reviewing such list and statements, the public body may disqualify any subcontractor from working on the contract (i) if all information required to be submitted pursuant to this section related to such contractor has not been submitted or (ii) for cause based on any relevant information obtained by the public body related to such subcontractor, including any information obtained by the public body through a background investigation or performance evaluation completed by the public body. 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 shall 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.

INTRODUCED

HB2288