

1                                   **STATE AND LOCAL AGENCIES CRITERIA**

2   **IN AWARDING BIDS**

3   2003 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: James M. Evans**

6 **This act modifies provisions relating to employment on public works projects. The act**  
7 **requires state and local agencies to require § CERTAIN § contractors on public works projects to**  
8 **consider implementing an apprenticeship program and providing or making available**  
9 **health insurance coverage for workers. The act authorizes state and local agencies to give**  
10 **preference, in the awarding of contracts, to § CERTAIN § contractors who implement an apprenticeship**  
11 **program and provide or make available health insurance. The act also makes technical**  
12 **changes.**

13 This act affects sections of Utah Code Annotated 1953 as follows:

14 AMENDS:

15                   **34-30-14**, as enacted by Chapter 72, Laws of Utah 1995

16 *Be it enacted by the Legislature of the state of Utah:*

17                   Section 1. Section **34-30-14** is amended to read:

18                   **34-30-14. Public works -- Wages.**

19 (1) For purposes of this section:

20                   (a) "Political subdivision" means a county, city, town, school district, special district,  
21 public corporation, institution of higher education of the state, public agency of any political  
22 subdivision, or other entity that expends public funds for construction, maintenance, repair or  
23 improvement of public works.

24                   (b) "Public works" or "public works project" means a building, road, street, sewer,  
25 storm drain, water system, irrigation system, reclamation project, or other facility owned or to  
26 be contracted for by the state or a political subdivision, and that is to be paid for in whole or in  
27 part with tax revenue paid by residents of the state.



28 (2) (a) Except as provided in Subsection (2)(b) or as required by federal or state law,  
 29 the state or any political subdivision that contracts for the construction, maintenance, repair, or  
 30 improvement of public works may not require that a contractor, subcontractor, or material  
 31 supplier or carrier engaged in the construction, maintenance, repair, or improvement of public  
 32 works pay its employees:

33 (i) a predetermined amount of wages or wage rate; or

34 (ii) a type, amount, or rate of employee benefits.

35 (b) Subsection (2)(a) does not apply when federal law requires the payment of  
 36 prevailing or minimum wages to persons working on projects funded in whole or in part by  
 37 federal funds.

38 (3) The state or any political subdivision that contracts for the construction,  
 39 maintenance, repair, or improvement of public works may not require that a contractor,  
 40 subcontractor, or material supplier or carrier engaged in the construction, maintenance, repair  
 41 or improvement of public works execute or otherwise become a party to any project labor  
 42 agreement, collective bargaining agreement, prehire agreement, or any other agreement with  
 43 employees, their representatives, or any labor organization as a condition of bidding,  
 44 negotiating, being awarded, or performing work on a public works project.

45 (4) (a) § [The] SUBJECT TO SUBSECTION (4)(c), THE § state and each political subdivision  
 45a that requests a proposal from a  
 46 contractor, subcontractor, material supplier, or carrier for the construction, maintenance, repair,  
 47 or improvement of a public works project costing § [~~\$100,000~~] \$1,000,000 § or more shall require the  
 48 contractor, subcontractor, material supplier, or carrier to consider:

49 (i) implementing an apprenticeship program approved by the federal agency designated  
 50 by the United States Department of Labor to oversee apprenticeship programs; and

51 (ii) providing or making available health insurance coverage for all workers employed  
 52 on the public works project.

53 (b) In awarding a contract for the construction, maintenance, repair, or improvement of  
 54 a public works project costing § [~~\$100,000~~] \$1,000,000 § or more, the state or a political subdivision  
 54a may § [give] TAKE INTO CONSIDERATION THE FACT THAT  
 55 [preference to] § a contractor, subcontractor, material supplier, or carrier § [that] § :

56 (i) has implemented an apprenticeship program approved by the federal agency  
 57 designated by the United States Department of Labor to oversee apprenticeship programs; or

58 (ii) provides or makes available health insurance coverage for all workers employed on

59 the public works project.

59a **§ (c) THIS SUBSECTION (4) APPLIES ONLY IF THE CONTRACTOR, SUBCONTRACTOR, MATERIAL**  
59b **SUPPLIER, OR CARRIER FROM WHICH A PROPOSAL IS REQUESTED EMPLOYS 15 OR MORE**  
59c **PERSONS. §**

60 [~~(4) This section applies~~] (5) (a) Subsections (2) and (3) apply to [any] each contract  
61 executed after May 1, 1995.

62 (b) Subsection (4) applies to each request for a proposal issued on or after May 5, 2003  
63 for a public works project costing § [~~\$100,000~~] **\$1,000,000** § or more.

**Legislative Review Note**  
**as of 1-22-03 2:21 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0129**

**State and Local Agencies Criteria in Awarding Bids**

*29-Jan-03*

*12:00 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**