

**Senator James M. Evans** proposes the following substitute bill:

**STATE AND LOCAL AGENCIES CRITERIA**

**IN AWARDING BIDS**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: James M. Evans**

**This act modifies provisions relating to employment on public works projects. The act authorizes state and local agencies to take into consideration, when awarding contracts for public works projects, that the bidder will ensure that certain contractors and subcontractors who work on the project have implemented an apprenticeship program or provide or make available health insurance to certain workers. The act also makes technical changes.**

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

AMENDS:

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

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

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

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

(1) For purposes of this section:

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

(b) "Public works" or "public works project" means a building, road, street, sewer, storm drain, water system, irrigation system, reclamation project, or other facility owned or to be contracted for by the state or a political subdivision, and that is to be paid for in whole or in



26 part with tax revenue paid by residents of the state.

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

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

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

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

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

44 (4) In awarding a contract for the construction, maintenance, repair, or improvement of  
45 a public works project costing \$1,000,000 or more, the state or a political subdivision may take  
46 into consideration the fact that the person or firm submitting a bid will ensure that each  
47 contractor and subcontractor that performs work on the public works project and that has 15 or  
48 more employees:

49 (a) has implemented an apprenticeship program approved by the federal agency  
50 designated by the United States Department of Labor to oversee apprenticeship programs; or

51 (b) provides or makes available health insurance coverage for all full-time workers  
52 employed on the public works project.

53 [~~4~~ This section applies] (5) (a) Subsections (2) and (3) apply to [any] each contract  
54 executed after May 1, 1995.

55 (b) Subsection (4) applies to each request for a proposal issued on or after May 5, 2003  
56 for a public works project costing \$1,000,000 or more.