

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Corrections and Institutions to which was referred House
3 Bill No. 878 entitled “An act relating to prevailing wages” respectfully reports
4 that the bill be amended by striking out all after the enacting clause and
5 inserting in lieu thereof the following:

6 Sec. 1. 29 V.S.A. § 161 is amended to read:

7 § 161. REQUIREMENTS ON STATE CONSTRUCTION PROJECTS

8 * * *

9 (b) Each contract awarded under this section for ~~any State project with a~~
10 ~~construction cost exceeding \$100,000.00 and which is authorized or funded in~~
11 ~~whole or in part by a capital construction act pursuant to 32 V.S.A. § 701a,~~
12 ~~including such a project of the University of Vermont and State Agricultural~~
13 ~~College and of the Vermont State Colleges,~~ construction projects shall provide
14 that all construction employees working on the project shall be paid no less
15 than the ~~mean~~ prevailing wage ~~published periodically by the Department of~~
16 ~~Labor in its occupational employment and wage survey~~ determinations as have
17 been made by the Secretary of the U.S. Department of Labor in accordance
18 with the Davis-Bacon Act, 40 U.S.C. § 276a, as may be amended. The
19 Commissioner of Labor, in consultation with the Commissioner of Buildings
20 and General Services, may adopt rules as necessary, pursuant to 3 V.S.A.
21 chapter 25, to implement this subsection. This section does not require that the

1 federal Davis-Bacon Act reporting requirements be applied to State
2 construction projects.

3 * * *

4 (d) ~~Subsections (a) through (c) of this section shall not apply to~~
5 ~~maintenance or construction projects carried out by the Agency of~~
6 ~~Transportation and by the Department of Forests, Parks and Recreation.~~

7 [Repealed.]

8 * * *

9 (g) As used in this section:

10 (1) “Deferred maintenance” means repairs that:

11 (A) were not accomplished as a part of normal maintenance or capital
12 renewal, and

13 (B) have accumulated to the point that facility deterioration is evident
14 and could impair the proper function of the facility.

15 (2) “Routine maintenance” means the day-to-day efforts to control
16 through scheduled repetitive activities, periodic scheduled work, and minor
17 repairs made on an as-needed basis.

18 (3) “State construction project” means a construction project:

19 (A) for which the Department of Buildings and General Services acts
20 as the contracting agency for the State of Vermont; and

1 (B) is authorized or funded in whole or in part by a capital
2 construction act pursuant to 32 V.S.A. § 701a.

3 (4) “State construction project” does not mean:

4 (A) a construction, deferred maintenance, or routine maintenance
5 project carried out by the Agency of Transportation;

6 (B) a construction, deferred maintenance, or routine maintenance
7 project carried out by the Department of Forests, Parks and Recreation; or

8 (C) a construction project carrying out deferred or routine
9 maintenance that is not awarded a contract.

10 Sec. 2. STATE CONSTRUCTION PROJECTS; CONTRACTS SUBJECT
11 TO STATE PREVAILING WAGE

12 Notwithstanding Sec. 1 of this act, the following contracts shall remain
13 subject to the mean prevailing wage published periodically by the Department
14 of Labor in its occupational employment and wage survey:

15 (1) contracts for State construction projects executed prior to July 1,
16 2015;

17 (2) any change orders or amendments to contracts for State construction
18 projects executed prior to July 1, 2015; and

19 (3) contracts for State construction projects that result from instructions
20 to bidders posted by the State of Vermont prior to July 1, 2015.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on July 1, 2015.

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4

5 (Committee vote: _____)

6

7

Representative _____

8

FOR THE COMMITTEE