



SPONSOR: Sen. Walsh & Rep. Osienski

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 252

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC WORKS CONTRACTING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend § 6962, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6962. Large public works contract procedures.

(c) Bidder prequalification requirements.

(13)a. If there is a craft training program for a craft in the project, a contractor must commit to provide craft training for journeyman and apprentice ~~levels~~ levels, for each craft in the contract, at the time the contractor executes the public works contract if all of the following apply:

1. A project meets the prevailing wage requirement under § 6960 of this title.

2. The contractor employs 10 or more total employees.

3. The project is not a federal highway project, except for the project under paragraph (c)(11) of this section.

b. If there is a craft training program for a craft in the project, a contractor must commit that all subcontractors must provide craft training for journeyman and apprentice ~~levels~~ levels, for each craft in the contract, at the time the contractor executes the public works contract if all of the following apply:

1. A project meets the prevailing wage requirement under § 6960 of this title.

2. The subcontractor employs 10 or more total employees.

3. The project is not a federal highway project, except for the project under paragraph (c)(11) of this section.

c. The craft training required under paragraphs (c)(13)a. and (c)(13)b. of this section may be ~~provided~~ provided, individually or through agreement with another organization, by any of the following:

1. The contractor.

2. The subcontractor.

23 3. ~~A program registered under CDR 19-1000-1101-4.0.~~ An apprenticeship program approved by and
24 registered with any state apprenticeship agency or the United States Department of Labor.

25 (d) Bid specifications and plans requirements.

26 (13) *Bid evaluation, contract award and execution procedure.* —

27 i. *Craft training requirement.* — 1. A public works contract must include a requirement that the
28 contractor provide craft training for journeyman and apprentice ~~levels~~ levels, for each craft in the contract, if all of
29 the following apply:

30 A. A project meets the prevailing wage requirement under § 6960 of this title.

31 B. The contractor employs 10 or more total employees.

32 C. The project is not a federal highway project, except for the project under paragraph (c)(11) of
33 this section.

34 2. A public works contract must include a requirement that a subcontractor provide craft training for
35 journeyman and apprentice ~~levels~~ levels, for each craft in the contract, if all of the following apply:

36 A. A project meets the prevailing wage requirement under § 6960 of this title.

37 B. The subcontractor employs 10 or more total employees.

38 C. The project is not a federal highway project, except for the project under paragraph (c)(11) of
39 this section.

40 3. The craft training required under paragraphs (d)(13)i.1. and (d)(13)i.2. of this section may be
41 ~~provided~~ provided, individually or through agreement with another organization, by any of the following:

42 A. The contractor.

43 B. The subcontractor.

44 C. ~~A program registered under CDR 19-1000-1101-4.0.~~ An apprenticeship program approved by
45 and registered with any state apprenticeship agency or the United States Department of Labor.

46 4. A contractor or subcontractor may satisfy the craft training required under paragraphs (d)(13)i.1.
47 through (d)(13)i.2. of this section by doing either of the following:

48 A. Having at least 1 active apprentice in a craft training program approved by and registered
49 with any state apprenticeship agency or the United States Department of Labor for the duration of the
50 project.

51 B. Making an annual financial contribution in support of apprenticeship and training to the
52 Delaware Department of Education Trade/Apprentice Fund, in an amount established annually by the
53 Secretary of the Department of Labor, as follows:

54 I. The Secretary of the Department of Labor shall annually establish the amount of the
55 financial contribution which must equal the average cost of 1 year of classroom related instruction
56 for all registered and approved crafts in Delaware during the preceding year.

57 II. The contractor or subcontractor shall make the payment under paragraph (d)(13)i.4.B. of
58 this section each year that the contractor or subcontractor is participating in the project, except as
59 provided under paragraph (d)(13)i.4.B.III. of this section.

60 III. A contractor or subcontractor may not satisfy the craft training requirement under
61 paragraphs (d)(13)i.1. through (d)(13)i.2. of this section for more than 3 consecutive years.

SYNOPSIS

Senate Substitute No. 1 for Senate Bill No. 48 enacted a requirement that contractors bidding for large public works contracts provide craft training of apprentices and journeymen. This Act expands how contractors can satisfy this craft training requirement as follows:

1. Creates the option to make an annual payment to the Department of Education's apprenticeship and training fund instead of providing the craft training.

2. Clarifies that the craft training may be provided by a contractor or subcontractor through agreement with another organization.

3. Broadens the range of craft training programs that satisfy the current requirement to be consistent with the definition of "craft training" under § 6902 of Title 29 and Constitutional law.

This Act also clarifies that the craft training requirement applies to each craft included in the contract.

This Act requires a greater than majority vote for passage because § 11(a) of Article VIII of the Delaware Constitution requires the affirmative vote of three-fifths of the members elected to each house of the General Assembly to impose a fee.

Author: Senator Walsh