

HOUSE BILL NO. HB0253

Apprenticeship programs.

Sponsored by: Representative(s) Hastert, Hinckley,
Illoway, Martin and Thompson and Senator(s)
Case, Johnson, Meier and Ross

A BILL

for

1 AN ACT relating to public works projects; authorizing a
2 preference in bid consideration for contractors who use
3 apprentices on public works projects as specified;
4 providing reporting requirements; providing penalties; and
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 16-6-901 and 16-6-902 are created to
10 read:

11

12

ARTICLE 9

13

USE OF APPRENTICESHIP PROGRAMS ON PUBLIC WORKS PROJECTS

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16-6-901. Definitions.

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1 (a) As used in this act, unless the context clearly
2 requires otherwise:

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4 (i) "Apprentice" means an apprentice enrolled
5 and registered in an approved apprenticeship training
6 program;

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8 (ii) "Apprentice utilization preference" means
9 the preference that is given to public works contract
10 bidders who commit to ensure the appropriate percentage of
11 labor hours will be performed by apprentices;

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13 (iii) "Labor hours" means the total hours of
14 workers receiving an hourly wage who are directly employed
15 on the site of the public works project. "Labor hours"
16 includes hours worked by persons employed by the contractor
17 and all subcontractors working on the project. "Labor
18 hours" does not include hours worked by foremen,
19 superintendents and owners;

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21 (iv) "Approved apprenticeship training program"
22 means an apprenticeship training program approved by and
23 registered with the bureau of apprenticeship and training,
24 United States department of labor;

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2 (v) "Department" means the department of
3 workforce services.

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5 **16-6-902. Apprentices to be used on public works**
6 **projects; waiver; report.**

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8 (a) For all public works awarded by the state, the
9 University of Wyoming, a community college or a school
10 district pursuant to W.S. 16-6-101 through 16-6-206
11 estimated to cost one million dollars (\$1,000,000.00) or
12 more, a contractor who commits to ensure that not less than
13 ten percent (10%) of the labor hours shall be worked by
14 apprentices shall have his bid considered as if his bid
15 were one percent (1%) lower than the actual dollar value of
16 his bid. The contractor awarded a contract under this
17 section, after consideration of all other applicable
18 preferences under this chapter, shall be awarded the
19 contract at the actual dollar value of his bid under this
20 section. This subsection shall not apply to those state
21 agencies that have a recognized or approved apprenticeship
22 training program requirement by the United States
23 department of labor or other appropriate federally funded
24 program.

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2 (b) The department may find good cause exists to
3 excuse a contractor who has been awarded a public works
4 contract after committing to ensure that not less than ten
5 percent (10%) of the labor hours on the project will be
6 performed by apprentices as provided in subsection (a) of
7 this section for a specific project if a bidder
8 demonstrates one (1) or more of the following reasons was
9 the basis for his failure to meet the apprentice work
10 provisions agreed to in the contract:

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12 (i) The lack of availability of apprentices in
13 the area where the project is to be performed;

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15 (ii) A disproportionately high ratio of material
16 costs to labor hours, which does not make feasible the
17 required minimum levels of apprentice participation;

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19 (iii) The contractor has demonstrated a good
20 faith effort to comply with the requirements of this act
21 and has been unable to do so; or

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23 (iv) Other criteria the department deems
24 appropriate.

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2 (c) A contractor awarded a contract under this
3 section shall make reasonable efforts to comply with the
4 apprentice utilization preference provisions in this
5 section so that the appropriate percentage of total labor
6 hours is performed by apprentices. The contractor shall
7 report to the department within fifteen (15) days after
8 completion of the project, providing a statement describing
9 compliance with the provisions of subsection (a) of this
10 section if he received preferential consideration of his
11 bid based on a commitment to ensure the specified total
12 labor hours on the project would be performed by
13 apprentices. The department shall report to the agency
14 that awarded the contract, any contractor who received
15 preferential consideration of his bid based on a commitment
16 to ensure the specified total labor hours would be
17 performed by apprentices on a project and who fails to file
18 such report, or who fails to meet the total labor hours
19 commitment for apprentices specified in his bid. Any
20 contractor failing to file a report or failing to meet the
21 total labor hours requirement for apprentices specified in
22 his bid shall forfeit one percent (1%) of the total project
23 cost to the state agency that awarded the contract, which
24 amount shall be credited to the account from which the

1 project was funded, unless good cause is shown as provided
2 in subsection (b) of this section.

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4 (d) The department shall promulgate rules and
5 regulations to implement the provisions of this section.

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7 (e) The department shall provide necessary assistance
8 to an agency awarding a contract subject to the provisions
9 of this section. The department shall collect the following
10 data from each affected contractor for each project covered
11 by this section:

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13 (i) The number of apprentices and labor hours
14 worked by them;

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16 (ii) The number, type and rationale for the
17 exceptions granted under subsection (b) of this section.

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19 (f) The department shall examine the need for
20 creation of a state apprenticeship council to assist
21 employers with expanded apprenticeship program development
22 and report its recommendations to the joint labor, health
23 and social services interim committee no later than October
24 1, 2005.

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2 (g) On January 1 of each year, the department shall
3 compile and summarize the collected data in subsection (e)
4 of this section and provide a report to the governor, the
5 joint labor, health and social services interim committee
6 and the joint education interim committee. The report shall
7 include any recommendations for modifications or
8 improvements to the apprentice utilization program.

9

10 **Section 2.** This act is effective July 1, 2006.

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(END)