State of Delaware

MEMORANDUM

TO: Public Works Contracting Community and Project Owners

FROM: Michael Svaby, Director, Division of Facilities Management

DATE: May 27, 2020

SUBJECT: SS 1 to SB 48/HA1 – Craft Training for Public Works Procurement

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Senate Substitute 1 to Senate Bill 48/HA1 of the 150th General Assembly (82 Del. Laws c. 36, attached) was signed by Governor Carney on June 7, 2019. This legislation accomplishes the following:

- Defines "Craft Training" as "an apprenticeship program approved by and registered with any State apprenticeship agency or the United States Department of Labor."
- Requires certain contractors and subcontractors on public works jobs to commit to provide craft training for journeyman and apprentice levels at the time of contract execution when:
  - The project requires prevailing wage and
  - the contractor or subcontractor employs 10 or more people and
  - it is not a federal highway project, except for the Route 301 project.
- Requires a public works contract requiring prevailing wage contain the requirement that a contractor and subcontractor provide craft training for journeyman and apprentice levels.
- Allows for the training to be provided by
  - the contractor, or
  - the subcontractor, or
  - a program registered pursuant to Section 1101-4.0 of Title 19 of the Delaware Administrative Code.
- Establishes violations of this requirement as basis for suspension or debarment of the contractor or the subcontractor.

Section 3 of the legislation establishes an implementation date of the Act of the earlier of the Department of Labor promulgating regulations or one year from the date of enactment. Accordingly, those qualifying public works projects advertised for bid on or after June 7, 2020 are subject to the requirements of this legislation.

My office has developed an affidavit (attached) for use in public works bidding. Each contractor bidding on a qualifying public works project must complete this affidavit certifying that they and

their subcontractor(s) are committing to providing craft training. They will include this affidavit in their bid submission in order for their bid to be considered. As agencies and school districts gain additional experience in implementing the requirements of this Act my office will develop and maintain an FAQ. Specific questions regarding the implementation should be directed to your counsel.

Attachments:
SS1 to SB 48
Affidavit of Craft Training Compliance