

2026 -- S 2735 SUBSTITUTE A AS AMENDED

LC005116/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES

Introduced By: Senators Burke, Bissailon, Thompson, Famiglietti, Patalano, Raptakis,
and Tikoian

Date Introduced: February 27, 2026

Referred To: Senate Labor & Gaming

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings.

2 The general assembly recognizes and finds that:

3 (1) The Rhode Island Supreme Court has held that before any public entity includes a
4 project labor agreement ("PLA") in a bid specification for a public contract, the public entity must
5 first complete an objective, reasoned study using reviewable criteria to determine that the adoption
6 of a PLA helps achieve the goals of the state purchases act. Associated Builders & Contractors of
7 RI, et al. v. Depart. of Administration, 787 A.2d 1179, 1189 (R.I. 2002). Since that decision was
8 rendered, there have been sixty (60) independent, objective reasoned studies for large-scale public
9 works projects that have concluded that including a PLA in a bid specification will achieve the
10 goals and objectives of the state purchases act.

11 (2) PLAs have been used extensively in Rhode Island and throughout the country to
12 facilitate the construction of large-scale construction projects because they ensure that craft labor
13 used on projects is supported by proper skill training through high quality, registered apprenticeship
14 training programs; and reliable project staffing through well-established hiring hall systems:
15 advantages that promote economy and efficiency in capital project delivery. In addition, PLAs
16 provide uniform project terms and conditions of employment for all workers and contractors,
17 contain no-strike/no lockout provisions, and various other contract features that facilitate effective
18 and timely project delivery.

19 (3) These outcomes have been proven by the sixty (60) independent studies completed by

1 Rhode Island public contracting agencies on more than sixty (60) large-scale construction projects
2 in Rhode Island over the last twenty-five (25) years, and are mirrored by top Federal procurement
3 authorities, which stress that PLAs provide the leading market strategy in the construction industry
4 for securing a reliable craft labor supply for large-scale capital projects. See e.g., Dept. of Defense,
5 Gen. Serv. Admin., Nat'l Aeronautics and Space Admin., Federal Acquisition Regulation: Use of
6 Project Labor Agreements for Federal Construction Projects, 88 Fed. Reg. 88708, 88711-88712.
7 (Dec. 22, 2023) (codified at 48 C.F.R. 1, 7, 22, 36, 52).

8 SECTION 2. Title 37 of the General Laws entitled "PUBLIC PROPERTY AND WORKS"
9 is hereby amended by adding thereto the following chapter:

10 CHAPTER 2.7

11 PROJECT LABOR AGREEMENTS

12 **37-2.7-1. Definitions.**

13 As used in this chapter:

14 (1) "Apprenticeable trade" means a craft or trade that will necessarily be employed
15 pursuant to a project labor agreement and meets the criteria for apprenticeable occupations set forth
16 in 29 C.F.R. § 29.4.

17 (2) "Apprenticeship agreement" means a written agreement complying with 29 C.F.R. §
18 29.7 between an apprentice and either the apprenticeship program sponsor, or an apprenticeship
19 committee acting as an agent for the program sponsor(s), that contains the terms and conditions of
20 the employment and training of the apprentice.

21 (3) "Apprenticeship program" means a structured, systematic, on-the-job, supervised
22 learning that is clearly identified and commonly recognized throughout an industry and involves
23 the progressive attainment of manual, mechanical, or technical skills and knowledge in accordance
24 with a written plan containing all terms and conditions for the qualification, recruitment, selection,
25 employment, and training of apprentices in accordance with 29 C.F.R. § 29.2 and 30 et seq.

26 (4) "Construction labor organization" means a labor organization in the construction
27 industry that:

28 (i) Operates a bona fide apprenticeship program in the trade or craft in which the union
29 provides construction services that is registered with and approved by the U.S. Department of Labor
30 or a state apprenticeship agency pursuant to 29 C.F.R. § 29.3; and

31 (ii) Operates a hiring hall or other job referral system in the trade or craft in which the
32 union provides construction services to deploy craft labor in accordance with project staffing needs.

33 (5) "Contractor" shall have the same meaning as in § 37-13-2.

34 (6) "Craft labor" means workers employed on a public works project subject to this section

1 in all trades or crafts that must be paid state prevailing wages pursuant to the provisions of chapter
2 13 of this title ("labor and payment of debts by contractors").

3 (7) "Large-scale state public works project" shall have the same meaning as in § 37-13-1
4 for a contract valued at twenty-five million dollars (\$25,000,000) or more.

5 (8) "Project labor agreement" or "PLA" means a pre-hire collective bargaining agreement
6 with one or more labor organizations that establishes the terms and conditions of employment for
7 a specific construction project, as may be described in 29 U.S.C. § 158(f).

8 (9) "State contracting agency" means a state agency, quasi-state agency or public agency
9 as such terms are defined in § 37-2-7, or a public university or college undertaking construction
10 contracts in the State of Rhode Island but excludes the Rhode Island department of transportation.

11 **37-2.7-2. Use of project labor agreements by state agencies.**

12 (a) There shall be a presumption to use project labor agreements on large-scale state public
13 works projects to promote the reliable and adequate supply of qualified labor, to protect capital
14 investments, and to offset performance risks. Incorporation of a PLA in a bid or proposal
15 specification shall be administered in compliance with the requirements of this chapter.

16 (b) Notwithstanding the presumption that project labor agreements will substantially
17 benefit large-scale state public works projects, certain projects may be exempted in accordance
18 with the following:

19 (1) Any determination not to use a PLA on a large-scale state public works project shall be
20 made by the chief procurement officer or an equivalent senior official of the state contracting
21 agency and include a detailed explanation of the reasons supporting the determination which shall
22 be reviewed by the agency's highest ranking official, who shall confirm or reverse the determination
23 in a written review decision.

24 (2) If a PLA is not used, the state contracting agency responsible for the project shall issue
25 a written determination at least thirty (30) days prior to the invitation for bids or request for
26 proposals providing the grounds for the determination that a PLA will not promote an adequate
27 supply of qualified craft labor required for the project.

28 (3) For any large-scale state public works project for which a PLA is not used, the state
29 contracting agency shall require bidders or offerors to submit a certified craft labor staffing plan,
30 which shall be a material term of the construction contract, that provides information demonstrating
31 the staffing capabilities of the lead contractor and all other project contractors used on the project,
32 including:

33 (i) The specific apprenticeship programs or other training programs used to ensure
34 adequate and verifiable skills for all craft labor classifications needed for the project; and

1 (ii) The sources that will be relied upon to recruit and deploy qualified craft labor in
2 accordance with project scheduling requirements.

3 (4) The craft labor staffing plan, which shall constitute a mandatory condition of contractor
4 responsibility, shall be reviewed and approved by the state contracting agency to ensure it provides
5 reasonably strong assurances that the project contractors will ensure a reliable and adequate supply
6 of qualified craft labor required for the project.

7 (c) For non-large-scale public works projects, a state contracting agency may, in its
8 discretion, require a project labor agreement to be incorporated into the contract specifications;
9 provided that, such agreements are used in compliance with this section and that the PLA includes
10 the mandatory provisions specified herein.

11 **37-2.7-3. Mandatory provisions to be included in any public works project labor**
12 **agreement.**

13 (a) Any project labor agreement utilized pursuant to this chapter shall:

14 (1) Bind all contractors and subcontractors working on the public works project through
15 the inclusion of appropriate specifications in all relevant solicitation provisions and contract
16 documents and requiring execution of the project labor agreement as a contractual requirement and
17 material term of construction contracts applicable to the project;

18 (2) Allow all contractors and subcontractors on the construction project to compete for
19 contracts and subcontractors without regard to whether they are otherwise parties to collective
20 bargaining agreements;

21 (3) Contain guarantees against strikes, lockouts and similar job disruptions and set forth
22 effective, prompt, and binding procedures for resolving labor disputes arising during the term of
23 the project labor agreement;

24 (4) Require that no less than fifteen percent (15%) of the total labor hours worked on the
25 project be performed by apprentices in registered apprentice programs; and

26 (5) Permit the inclusion of additional mechanisms for labor management cooperation on
27 matters of mutual interest and concern, including the health and safety of the workforce and
28 compliance with applicable state statutes and regulations.

29 **37-2.7-4. Severability.**

30 Nothing in this chapter shall contravene federal law or jeopardize the state's entitlement to
31 federal funding. If any provision of this chapter or its application is held invalid by any court of
32 competent jurisdiction, the invalidity shall not affect any other provision or application of this
33 chapter that can be given effect without the invalid provision. The provisions of this chapter are
34 declared to be severable.

1 SECTION 3. Title 45 of the General Laws entitled "TOWNS AND CITIES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 71

4 PROJECT LABOR AGREEMENTS -- TOWNS AND CITIES

5 **45-71-1. Definitions.**

6 As used in this chapter:

7 (1) "Apprenticeable trade" means a craft or trade that will necessarily be employed
8 pursuant to a project labor agreement and meets the criteria for apprenticeable occupations set forth
9 in 29 C.F.R. § 29.4.

10 (2) "Apprenticeship agreement" means a written agreement complying with 29 C.F.R. §
11 29.7 between an apprentice and either the apprenticeship program sponsor, or an apprenticeship
12 committee acting as an agent for the program sponsor(s), that contains the terms and conditions of
13 the employment and training of the apprentice.

14 (3) "Apprenticeship program" means a structured, systematic, on-the-job, supervised
15 learning that is clearly identified and commonly recognized throughout an industry and involves
16 the progressive attainment of manual, mechanical, or technical skills and knowledge in accordance
17 with a written plan containing all terms and conditions for the qualification, recruitment, selection,
18 employment, and training of apprentices in accordance with 29 C.F.R. § 29.2.

19 (4) "Construction labor organization" means a labor organization in the construction
20 industry that:

21 (i) Operates a bona fide apprenticeship program in the trade or craft in which the union
22 provides construction services that is registered with and approved by the U.S. Department of Labor
23 or a state apprenticeship agency pursuant to 29 C.F.R. § 29.3; and

24 (ii) Operates a hiring hall or other job referral system in the trade or craft in which the
25 union provides construction services to deploy craft labor in accordance with project staffing needs.

26 (5) "Contractor" shall have the same meaning as in § 37-13-2.

27 (6) "Craft labor" means workers employed on a public works project subject to this section
28 in all trades or crafts that must be paid state prevailing wages pursuant to the provisions of chapter
29 13 of this title ("labor and payment of debts by contractors").

30 (7) "Large scale municipal public works project" shall have the same meaning as in § 37-
31 13-1 for a contract valued at twenty-five million dollars (\$25,000,000) or more in actual
32 construction costs, for which the state provides thirty-five percent (35%) or more of the
33 construction budget for the project, excluding design, engineering, or other non-construction costs.

34 (8) "Municipal contracting agency" means any city or town government, or local education

1 agency, undertaking construction contracts in the State of Rhode Island.

2 (9) "Project labor agreement" or "PLA" means a pre-hire collective bargaining agreement
3 with one or more labor organizations that establishes the terms and conditions of employment for
4 a specific construction project, as may be described in 29 U.S.C. § 158(f).

5 **45-71-2. Use of project labor agreements by municipal agencies.**

6 (a) There shall be a presumption to use project labor agreements on large-scale municipal
7 public works projects to promote the reliable and adequate supply of qualified labor, to protect
8 capital investments, and to offset performance risks. Incorporation of a PLA in a bid or proposal
9 specification shall be administered in compliance with the requirements of this chapter.

10 (b) Notwithstanding the presumption that project labor agreements will substantially
11 benefit large-scale municipal public works projects, certain projects may be exempted in
12 accordance with the following:

13 (1) Any determination not to use a PLA on a large-scale municipal public works project
14 shall be made by the chief procurement officer or an equivalent senior official of the municipal
15 contracting agency and include a detailed explanation of the reasons supporting the determination
16 which shall be reviewed by the agency's highest ranking official, who shall confirm or reverse the
17 determination in a written review decision.

18 (2) If a PLA is not used, the municipal contracting agency responsible for the project shall
19 issue a written determination at least thirty (30) days prior to the invitation for bids or request for
20 proposals providing the grounds for the determination that a PLA will not promote an adequate
21 supply of qualified labor required for the project.

22 (3) For any large-scale municipal public works project for which a PLA is not used, the
23 municipal contracting agency shall require bidders or offerors to submit a certified project labor
24 staffing plan, which shall be a material term of the construction contract, that provides information
25 demonstrating the staffing capabilities of the lead contractor and all other project contractors used
26 on the project, including:

27 (i) The specific apprenticeship programs or other training programs used to ensure
28 adequate and verifiable skills for all labor classifications needed for the project; and

29 (ii) The sources that will be relied upon to recruit and deploy qualified labor in accordance
30 with project scheduling requirements.

31 (4) The craft labor staffing plan, which shall constitute a mandatory condition of contractor
32 responsibility, shall be reviewed and approved by the state contracting agency to ensure it provides
33 reasonably strong assurances that the project contractors will ensure a reliable and adequate supply
34 of qualified craft labor required for the project.

1 (c) For non-large-scale public works projects, a municipal contracting agency may, in its
2 discretion, require a project labor agreement to be incorporated into the contract specifications;
3 provided that, such agreements are used in compliance with this section and that the PLA includes
4 the mandatory provisions specified herein.

5 **45-71-3. Mandatory provisions to be included in any public works project labor**
6 **agreement.**

7 (a) Any project labor agreement utilized pursuant to this chapter shall:

8 (1) Bind all contractors and subcontractors working on the public works project through
9 the inclusion of appropriate specifications in all relevant solicitation provisions and contract
10 documents and requiring execution of the project labor agreement as a contractual requirement and
11 material term of construction contracts applicable to the project;

12 (2) Allow all contractors and subcontractors on the construction project to compete for
13 contracts and subcontractors without regard to whether they are otherwise parties to collective
14 bargaining agreements;

15 (3) Contain guarantees against strikes, lockouts and similar job disruptions and set forth
16 effective, prompt, and binding procedures for resolving labor disputes arising during the term of
17 the project labor agreement;

18 (4) Require that no less than fifteen percent (15%) of the total labor hours worked on the
19 project be performed by apprentices in registered apprentice programs; and

20 (5) Permit the inclusion of additional mechanisms for labor management cooperation on
21 matters of mutual interest and concern, including the health and safety of the workforce and
22 compliance with applicable state statutes and regulations.

23 **45-71-4. Severability.**

24 Nothing in this chapter shall contravene federal law or jeopardize the state's entitlement to
25 federal funding. If any provision of this chapter or its application is held invalid by any court of
26 competent jurisdiction, the invalidity shall not affect any other provision or application of this
27 chapter that can be given effect without the invalid provision. The provisions of this chapter are
28 declared to be severable.

29 SECTION 4. This act shall take effect upon passage.

=====
LC005116/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES

1 This act would create multiple chapters relating to project labor agreements to promote the
2 use of project labor agreements on large-scale state public works projects to promote the supply of
3 reliable and adequate qualified labor.

4 This act would take effect upon passage.

=====
LC005116/SUB A
=====