



[townhall.virginia.gov](http://townhall.virginia.gov)

## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Virginia Department of Labor and Industry
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	16VAC15-80
<b>VAC Chapter title(s)</b>	Prevailing Wage Regulations for Public Works Contracts
<b>Action title</b>	Notice of Intended Regulatory Action on Prevailing Wage Regulations for Public Works Contracts
<b>Date this document prepared</b>	May 26, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

Chapters 1014 and 1060 of the 2026 Virginia Acts of the Assembly require the Department of Labor and Industry (DOLI) to promulgate regulations necessary to implement those Chapters. DOLI must promulgate regulations to be effective July 1, 2027. DOLI is initiating this NOIRA to begin a regulatory process to fulfill this mandate.

## Acronyms and Definitions

*Define all acronyms or technical definitions used in this form.*

---

- “Commissioner” means the Commissioner of Labor and Industry.
- “DOLI” means the Department of Labor and Industry
- “Prevailing wage rate” means the rate, amount, or level of wages, salaries, benefits, and other remuneration prevailing for corresponding classes of mechanics, laborers, or workers employed for the same work in the same trade or occupation in a locality, pursuant to § 2.2-4321.3 of the Code of Virginia.

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

---

The mandate for this regulatory change is a directive from the General Assembly. Specifically, Chapters 1014 and 1060 of the 2026 Virginia Acts of the Assembly require DOLI to promulgate regulations necessary to effectuate the provisions of § 2.2-4321.3 of the Code of Virginia, as amended by the General Assembly, and any other regulations the Commissioner deems necessary to effectuate the provisions of the law.

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.*

---

The Department of Labor and Industry is the promulgating agency.

DOLI’s legal authority for this regulation is the 2026 Acts of Assembly, Chapters 1014 and 1060. Specifically, the second enactment clause of Chapters 1014 and 1060 expressly directs DOLI to “promulgate regulations as necessary to implement the provisions of § 2.2-4321.3 of the Code of Virginia, as amended by this act, and any other regulations the Commissioner deems necessary to effectuate the provisions of this act.”

In addition, DOLI’s general rulemaking authority is found under § 40.1-6 of the Code of Virginia, which authorizes the Commissioner to “make such rules and regulations as may be necessary for the enforcement of this title...”

### Purpose

*Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.*

---

The purpose of this regulatory action is to establish a statewide framework for determining and administering prevailing wage requirements applicable to public works contracts in Virginia.

Issues anticipated during the regulatory development process may include those related to establishing methodologies for conducting surveys of construction wages in order to determine prevailing wages in accordance with the Code.

### Substance

*Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

---

DOLI intends to promulgate regulations necessary to implement the prevailing wage requirements on public works projects as authorized by the Code of Virginia as amended, including all regulations authorized by the text and second enactment clause of Chapters 1014 and 1060.

### Alternatives to Regulation

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

---

There are no viable alternatives to regulation, as this regulatory action is mandated through 2026 Acts of Assembly, Chapters 1014 and 1060.

### Periodic Review and Small Business Impact Review Announcement

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”*

This NOIRA is not being used to announce a periodic review or a small business impact review.

## Public Participation

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.*

---

DOLI is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to:

Zahra Qarni  
Director, Policy and Planning  
Virginia Department of Labor and Industry  
Unit 500  
6606 W. Broad Street,  
Richmond, VA 23230  
Email: [zahra.qarni@doli.virginia.gov](mailto:zahra.qarni@doli.virginia.gov)  
Fax: (804) 786-2376

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.