

Alert: Please Co-Sponsor the Fair and Open Competition Act
(Active March 1 – Dec. 31, 2024)

Last year, the Biden Administration issued a proposed rule implementing their Executive Order 14063, which requires Project-Labor Agreements (PLAs) on federal construction contracts exceeding \$35 million, and other policies encouraging PLAs on federally-assisted grant projects. This proposal will impact at least 100 federal contracts totaling billions of dollars on an annual basis. The Biden Administration has also aggressively sought to encourage PLAs on federally assisted infrastructure projects, with more than \$100 billion worth of competitive grant programs administered by federal agencies containing pro-PLA language. We expect this Administration to look to expand this in the future. If these mandates expand, they will compromise the benefits of the NUCA-supported Infrastructure Investment and Jobs Act and its tens of billions of dollars of investment in key underground utility markets.

NUCA members know this policy will only increase costs, decrease productivity, and potentially cut non-union workers and companies - the majority of our industry - out of these projects.

Last Congress, the Fair and Open Competition Act (FOCA) was introduced, which would stop Government-Mandated PLAs. We need your help to support its reintroduction. Ask your federal lawmakers to sign on as an original co-sponsor of the Fair and Open Competition Act (H.R. 1209 / S. 537), which is set to be introduced in the 118th Congress by Rep. James Comer, R-Ky., and Sen. Todd Young, R-Ind.

All NUCA members and their employees deserve a fair chance to rebuild America's underground infrastructure at a price that is right for taxpayers. Please tell your Members of Congress to support FOCA and STOP Government-Mandated PLAs. Tell them how it will affect our industry and your incredibly important work. It will only take a few minutes!

Letter to Congress:

Subject: Please Co-Sponsor the Fair and Open Competition Act

I am a member of the National Utility Contractors Association (NUCA), which represents construction contractors, manufacturers, and distributors who build and maintain a wide range of underground facilities and transportation infrastructure. NUCA member companies provide the manpower and equipment needed to build, repair, and maintain the infrastructure needed for water and wastewater infrastructure, gas distribution, broadband, electric and as well as the nation's surface transportation system. NUCA

members like me have been working tirelessly to keep Americans connected to reliable clean water, sewer, broadband, and other critical utility services. We are on the frontlines of implementing the billions of dollars in underground construction work funded by the Infrastructure Investment and Jobs Act (IIJA) and similar legislation. I am writing to ask you to support the Fair and Open Competition Act (FOCA, H.R. 1209 / S. 537), which would prohibit costly and inflationary government-mandated project labor agreements.

As an experienced industry professional, I can assure you that programs funded through IIJA will not be possible to accomplish in a reasonable timeframe if government-mandated PLAs are put into place. Industry research has shown that this policy could potentially increase construction costs by up to 20%, potentially denying many Americans vital access to the clean and safe drinking water, high-speed broadband, and other critical utility services promised to them by recent landmark federal legislation.

Support for FOCA is more critical now than ever, as this year the Biden administration plans to publish a final rule implementing Executive Order 14063, which mandates anti-competitive and inflationary project labor agreements on federal construction projects of \$35 million or more. In addition, the Biden administration is promoting PLAs on federally assisted infrastructure projects procured by state and local governments via more than \$100 billion worth of competitive grant programs administered by federal agencies containing pro-PLA language.

FOCA protects government construction contracts from project labor agreement mandates and will allow all contractors, including small, women, and minority-owned businesses, to have a fair opportunity at competing to rebuild America. More than 87% of the private construction workforce chooses not to belong to a union, and workforce capacity issues are already among the greatest difficulties our industry faces today. With the massive amount of additional work in the pipeline from federal infrastructure programs, contractors are anticipating the labor gap to grow significantly. PLA mandates prevent experienced contractors from competing to win taxpayer-funded contracts and potentially locks out vast swathes of the workforce. Given the skilled workforce shortage already facing the industry, and in light of significant inflation over the past two years, Infrastructure Investment and Jobs Act programs cannot possibly be implemented on schedule and under budget if a harmful PLA mandate is put into place.

As a constituent and a member of NUCA, I urge you to support the Fair and Open Competition Act, which would ensure government-funded contracts are not subject to PLA mandates. FOCA ensures that all contractors have a fair opportunity at competing to rebuild America and guarantees that taxpayers will see the maximum benefits of federal investment in our nation's broadband and electric infrastructure. If you have not already done so, I ask that you please contact Sarah Coffman (sarah.coffman@mail.house.gov) in Rep. James Comer's office or Nancy Martinez (nancy_martinez@young.senate.gov) in Sen. Todd Young's office to co-sponsor the Fair and Open Competition Act. Thank you for your consideration.

Sincerely,

NAME