

# WEST VIRGINIA CODE: §7-11B-14

## **§7-11B-14. Projects financed by tax increment financing considered to be public improvements subject to prevailing wage, local labor preference and competitive bid requirements.**

(a) Any project acquired, constructed, or financed, in whole or in part, by a county commission or municipality under this article shall be considered to be a "public improvement" within the meaning of the provisions of articles one-c, chapter twenty-one of this code.

(b) The county commission or municipality shall, except as provided in subsection (c) of this section, solicit or require solicitation of competitive bids and require compliance with article one-c, chapter twenty-one of this code for every project or infrastructure project funded pursuant to this article exceeding \$25,000 in total cost: Provided, That the provisions of article two-d, chapter seventeen of this code may apply where applicable to projects subject to an intergovernmental agreement with the Commissioner of Highways.

(c) Following the solicitation of the bids, the construction contract shall be awarded to the lowest qualified responsible bidder, who shall furnish a sufficient performance and payment bond: Provided, That the county commission, municipality or other person soliciting the bids may reject all bids and solicit new bids on the project.

(d) No officer or employee of this state or of any public agency, public authority, public corporation, or other public entity, and no person acting or purporting to act on behalf of such officer or employee or public entity shall require that any performance bond, payment bond, or bid bond required or permitted by this section be obtained from any particular surety company, agent, broker or producer.

(e) This section does not:

(1) Apply to work performed on construction projects not exceeding a total cost of \$50,000 by regular full-time employees of the county commission or the municipality: Provided, That no more than \$50,000 shall be expended on an individual project in a single location in a twelve-month period;

(2) Prevent students enrolled in vocational educational schools from being used in construction or repair projects when such use is a part of the students' training program;

(3) Apply to emergency repairs to building components and systems: Provided, That the term "emergency repairs" means repairs that, if not made immediately, will seriously impair the use of the building components and systems or cause danger to those persons using the building components and systems; or

(4) Apply to any situation where the county commission or municipality comes to an agreement with volunteers, or a volunteer group, by which the governmental body will provide construction or repair materials, architectural, engineering, technical or any other professional services and the volunteers will provide the necessary labor without charge to, or liability upon, the governmental body: Provided, That the total cost of the construction or repair projects does not exceed \$50,000.

(f) The provisions of subsections (a) and (b) of this section apply to any specific project, whether privately or publicly owned or constructed on private or public lands, that are financed or to be financed, in whole or in part, with tax increment or proceeds of tax increment financing obligations: Provided, That, the provisions of subsections (a) and (b) of this section do not apply to any project or part of a project that is privately owned and financed without any tax increment or proceeds of tax increment financing obligations.