

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 356

(By Mr. Taylor)



PASSED March 19, 1939

In Effect from Passage

**ENROLLED**

**House Bill No. 356**

(BY MR. TAYLOR)

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[Passed March 10, 1939; in effect from passage]

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AN ACT to amend and reenact section fifteen, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter forty, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, and chapter seventy-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, relating to contracts for road construction or material; convict labor.

*Be it enacted by the Legislature of West Virginia:*

That section fifteen, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter forty, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, and chapter seventy-eight, acts of the Legislature, regular session, one thou-

sand nine hundred thirty-seven, be amended and reenacted to read as follows :

**Article 4. State Road System; Primary and Secondary Roads.**

Section 19. *Contracts for Road Construction or Material;*

2 *Convict Labor.* All work of construction and reconstruction  
3 of state roads and bridges, and the furnishing of all ma-  
4 terials and supplies therefor, and for the repair thereof, un-  
5 less manufactured or assembled by the commissioner, shall  
6 be done and furnished pursuant to contract except that the  
7 commissioner shall not be required to award any contract for  
8 work or for materials or supplies for an amount less than  
9 three thousand dollars. When the commissioner is about to  
10 construct, reconstruct, or improve any road or highway, he  
11 shall file with the clerk of the county court, or of the munici-  
12 pality, as the case may be, in which such road lies, a certi-  
13 fied copy of the plans and specifications therefor, and a no-  
14 tice that the commissioner is about to enter upon and proceed  
15 with the work in question. If the work is to be done, or the  
16 materials therefor are to be furnished by contract, the com-  
17 missioner shall thereupon advertise once each week for at  
18 least two successive weeks in two newspapers of opposite po-

19 litics, if there be such, but if not, then in one newspaper  
20 published in each county or municipality in which the road  
21 lies, and once in at least one daily newspaper published in the  
22 city of Charleston, and in such other journals or magazines  
23 as may to the commissioner seem advisable, for sealed pro-  
24 posals for the construction or other improvement of such  
25 road, and for the furnishing of materials therefor, accurately  
26 describing the same, and stating the time and place for open-  
27 ing such proposals and reserving the right to reject any and  
28 all proposals: *Provided, however,* That whenever the esti-  
29 mated amount of any contract for work or for materials or  
30 supplies is less than three thousand dollars, the commissioner  
31 shall not be required to advertise the letting of said con-  
32 tract in newspapers as above required, but may award the  
33 contract to the lowest responsible bidder, when two or more  
34 sealed proposals or bids have been received by him, without  
35 such advertisement, but such contract shall not be so awarded  
36 unless the bid of the successful bidder is three thousand dol-  
37 lars or less. The commissioner shall have the power to pre-  
38 scribe proper prequalifications of contractors bidding on state  
39 road construction work. To all sealed proposals there shall be

40 attached the certified check of the bidder or bidder's bond  
41 acceptable to the commissioner, in such amount as the com-  
42 missioner shall specify in the advertisement, but not to ex-  
43 ceed five per cent of the aggregate amount of the bid; but  
44 such amount shall never be less than five hundred dollars.  
45 Such proposals shall be publicly opened and read at the time  
46 and place specified in the advertisement, and the contract for  
47 such work, or for the supplies or materials required therefor  
48 shall, if let, be awarded by the commissioner to the lowest re-  
49 sponsible bidder for the type of construction selected. In case  
50 the commissioner shall reject all bids, he may thereafter do  
51 the work with his own forces or with prison labor, or may re-  
52 advertise in the same manner as before and let a contract for  
53 such work pursuant thereto. But nothing in this section shall  
54 be so construed as to prevent the commissioner from building,  
55 constructing, reconstructing or repairing a road to any extent  
56 with prison labor without first advertising and rejecting bids  
57 therefor.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*E. O. Wiseman*

Chairman Senate Committee

*Will H. Walker*

Chairman House Committee

Originated in the *House of Delegates*

Takes effect *from* passage.

*Clayton*

Clerk of the Senate

*W. S. Hall*

Clerk of the House of Delegates

*W. M. ...*

President of the Senate

*James Kay Thomas*

Speaker House of Delegates

The within *approved* this the *16<sup>th</sup>*

day of *March*, 1939.

*Samuel ...*

Governor.



Filed in the office of the Secretary of State of West Virginia. **MAR 17 1939**

Wm. S. O'BRIEN, Secretary of State