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)

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

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; Convict Labor. All work of construction and reconstruction of state roads and bridges, and the furnishing of all materials and supplies therefor, and for the repair thereof, unless manufactured or assembled by the commissioner, shall be done and furnished pursuant to contract except that the commissioner shall not be required to award any contract for work or for materials or supplies for an amount less than three thousand dollars. When the commissioner is about to construct, reconstruct, or improve any road or highway, he shall file with the clerk of the county court, or of the municipality, as the case may be, in which such road lies, a certified copy of the plans and specifications therefor, and a notice that the commissioner is about to enter upon and proceed with the work in question. If the work is to be done, or the materials therefor are to be furnished by contract, the commissioner shall thereupon advertise once each week for at least two successive weeks in two newspapers of opposite po-
lities, if there be such, but if not, then in one newspaper
published in each county or municipality in which the road
lies, and once in at least one daily newspaper published in the
city of Charleston, and in such other journals or magazines
as may to the commissioner seem advisable, for sealed pro-
posals for the construction or other improvement of such
road, and for the furnishing of materials therefor, accurately
describing the same, and stating the time and place for open-
ing such proposals and reserving the right to reject any and
all proposals: Provided, however, That whenever the esti-
mated amount of any contract for work or for materials or
supplies is less than three thousand dollars, the commissioner
shall not be required to advertise the letting of said con-
tract in newspapers as above required, but may award the
contract to the lowest responsible bidder, when two or more
sealed proposals or bids have been received by him, without
such advertisement, but such contract shall not be so awarded
unless the bid of the successful bidder is three thousand dol-
ars or less. The commissioner shall have the power to pre-
scribe proper prequalifications of contractors bidding on state
road construction work. To all sealed proposals there shall be
attached the certified check of the bidder or bidder's bond acceptable to the commissioner, in such amount as the commissioner shall specify in the advertisement, but not to exceed five per cent of the aggregate amount of the bid; but such amount shall never be less than five hundred dollars. Such proposals shall be publicly opened and read at the time and place specified in the advertisement, and the contract for such work, or for the supplies or materials required therefor shall, if let, be awarded by the commissioner to the lowest responsible bidder for the type of construction selected. In case the commissioner shall reject all bids, he may thereafter do the work with his own forces or with prison labor, or may advertise in the same manner as before and let a contract for such work pursuant thereto. But nothing in this section shall be so construed as to prevent the commissioner from building, constructing, reconstructing or repairing a road to any extent with prison labor without first advertising and rejecting bids therefor.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect upon passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the day of March, 1939.

Governor.

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

Wm. S. O'Brien, Secretary of State