

ENROLLED

Senate Bill No. 258

(BY MR. HECK AND MR. TONKOVICH)

[Passed March 12, 1982; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article nineteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section four, relating to domestic aluminum, glass and steel in public works projects.

Be it enacted by the Legislature of West Virginia:

That section two, article nineteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section four, all to read as follows:

ARTICLE 19. DOMESTIC ALUMINUM, GLASS AND STEEL IN PUBLIC WORKS PROJECTS.

§5-19-2. Preference for domestic aluminum, glass and steel products; mandatory contract provision; exceptions.

1 (a) Every state spending unit, as defined in chapter five-a,
2 shall require that every contract and subcontract for the
3 construction, reconstruction, alteration, repair, improvement
4 or maintenance of public works or for the purchase of any
5 item of machinery or equipment to be used at sites of public
6 works contain a provision that, if any aluminum, glass or steel
7 products are to be supplied in the performance of the
8 contract, or subcontract, only domestic aluminum, glass or
9 steel products shall be supplied unless the spending officer,
10 as defined in chapter five-a, determines, in writing, after the
11 receipt of offers or bids, that the cost of domestic aluminum,

12 glass or steel products is unreasonable or inconsistent with
13 the public interest or that domestic aluminum, glass or steel
14 products are not produced in sufficient quantities to meet the
15 contract requirements: *Provided*, That this article applies to
16 any public works contract awarded in an amount more than
17 fifty thousand dollars, and with regard to steel only, this
18 article applies to any public works contract awarded in an
19 amount more than fifty thousand dollars or requiring more
20 than ten thousand pounds of steel products.

21 (b) The commissioner of finance and administration shall
22 issue rules which provide that, for purposes of this article, the
23 bid or offered price of any aluminum, glass or steel products
24 of domestic origin, as defined in section one of this article
25 (including any applicable duty), is not unreasonable if it does
26 not exceed the sum of a differential of twenty percent of the
27 bid or offered price of the aluminum, glass or steel products
28 of foreign origin: *Provided*, That if such products are
29 produced in a "substantial labor surplus area" as defined by
30 the United States Department of Labor, the differential
31 applied under this article shall be thirty percent.

§5-19-4. Bid or offered price of steel products of foreign origin.

1 If prior to the award of a contract under this article, the
2 spending officer, as defined in chapter five-a, determines that
3 there exists a bid or offered price of like aluminum, glass or
4 steel products of foreign origin that is reasonable and lower
5 than the lowest bid or offered price of aluminum, glass or
6 steel products of domestic origin, the spending officer, as
7 defined in chapter five-a, may request in writing a
8 reevaluation and reduction in the lowest bid offered price of
9 such products of domestic origin.

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

R. P. Byrbe

Chairman Senate Committee

Tony E. Whitlow

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Fred C. Neils

Clerk of the Senate

V. Blankenship

Clerk of the House of Delegates

Warren P. McLean

President of the Senate

Walter M. Reed

Speaker House of Delegates

The within *is approved* this the *29*

day of *March*, 1982.

James R. Byrbe

Governor



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