

No: 1709

Two new

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



ENROLLED

Com. Sub. for
HOUSE BILL No. 1709

(By Mr. *Wiedelbusch + Mr. Knight*)



Passed *March 3,* 1983

In Effect *Ninety Days From* Passage



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OFFICE OF THE GOVERNOR

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1709

(By MR. WIEDEBUSCH and MR. KNIGHT)

[Passed March 3, 1983; in effect ninety days from passage.]

AN ACT to repeal section twelve-a, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend chapter five of said code by adding thereto a new article, designated article twenty-two, relating to requiring the state and its subdivisions to solicit bids for all construction projects exceeding twenty-five thousand dollars in cost; allowing rejection of all bids and resolicitation of bids; permitting the use of regular full-time employees in construction projects; and providing exceptions to bidding requirements for projects constructed by vocational education students and by volunteers and for emergency repairs.

18-5-12a
5-22(m)

Be it enacted by the Legislature of West Virginia:

That chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twenty-two, to read as follows:

5-22 (

No mention of repeal!

ARTICLE 22. GOVERNMENT CONSTRUCTION CONTRACTS.

§5-22-1. Bidding required; government construction contracts to go to qualified responsible bidder; exceptions.

1 As used in this section, "the state and its subdivisions"

2 means the state of West Virginia, every political subdivision
3 thereof, every administrative entity that includes such a sub-
4 division, all municipalities and all county boards of educa-
5 tion.

6 The state and its subdivisions shall except as provided
7 in this section solicit competitive bids for every construction
8 project exceeding twenty-five thousand dollars in total cost.
9 Following the solicitation of such bids, the construction con-
10 tract shall be awarded to the lowest qualified responsible
11 bidder, who shall furnish a sufficient performance and pay-
12 ment bond: *Provided*, That the state and its subdivisions may
13 reject all bids and solicit new bids on said project.

14 Nothing in this section shall apply to work performed on
15 construction or repair projects by regular full-time employees
16 of the state or its subdivisions, nor shall anything in this
17 section prevent students enrolled in vocational educational
18 schools from being utilized in construction or repair projects
19 when such use is a part of the students training program.

20 Nothing herein shall apply to emergency repairs to building
21 components and systems. For the purpose of this paragraph,
22 emergency repairs means repairs that if not made immediately
23 will seriously impair the use of such building components and
24 systems, or cause danger to those persons using such building
25 components and systems.

26 Nothing herein shall apply to any situation where the state
27 or a subdivision thereof shall come to an agreement with
28 volunteers, or a volunteer group, whereby the governmental
29 body will provide construction or repair materials architec-
30 tural, engineering, technical or any other professional services
31 and the volunteers will provide the necessary labor without
32 charge to, or liability upon, the governmental body.

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

James L. Davis

Chairman Senate Committee

Arnold Chubb

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jodd C. Mills

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

Warren J. McNew

President of the Senate

W. M. See, Jr.

Speaker House of Delegates

The within *is disagreed* this the *15*
day of *March*, 1983.

John D. Ralston

Governor

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SECY. OF STATE