WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED
Com. Sub. for
HOUSE BILL No. 1709
(By Mr. Niedermusc + Mr. Knight)

Passed March 15, 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.

Be it enacted by the Legislature of West Virginia:

That section twelve-a, article five, chapter eighteen, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that chapter five of said code be amended by adding thereto a new article, designated article twenty-two, all to read as follows:

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”
means the state of West Virginia, every political subdivision thereof, every administrative entity that includes such a subdivision, all municipalities and all county boards of education.

The state and its subdivisions shall except as provided in this section solicit competitive bids for every construction project exceeding twenty-five thousand dollars in total cost. Following the solicitation of such 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 state and its subdivisions may reject all bids and solicit new bids on said project.

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

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

Nothing herein shall apply to any situation where the state or a subdivision thereof shall come to an agreement with volunteers, or a volunteer group, whereby 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within ___________ approved this the ___________ day of ___________, 1983.

[Signature]
Governor