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APPROVED AND SIGNED BY THE GOVERNOR

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Date 3-29-83

OFFICE OF THE GOVERNOR

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

— ● —

# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1709

(By Mr. Niedelusch + Mr. Knight)

— ● —

Passed March 15, 1983

In Effect Ninety Days From Passage



**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**H. B. 1709**

(By MR. WIEDEBUSCH and MR. KNIGHT)

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

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article five, chapter eighteen, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that chapter five of said code be amended by adding thereto a new article, designated article twenty-two, all to read as follows: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

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.

  
Chairman Senate Committee


  
Chairman House Committee

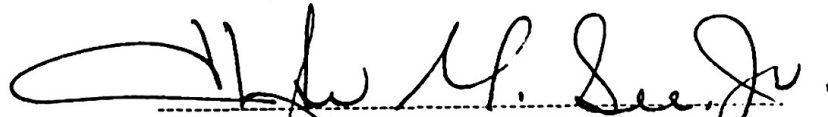
Originating in the House.

Takes effect ninety days from 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 29  
day of March, 1983.

  
Governor

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SECY. OF STATE