

NO. 2160

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



ENROLLED

Com. Sub. for
HOUSE BILL No. 2160

(By ~~Mr.~~ *Del. Ashcraft*)



Passed *March 29,* 1989

In Effect *Ninety Days From* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2160
(By DELEGATE ASHCRAFT)

[Passed March 29, 1989; in effect ninety days from passage.]

AN ACT to amend and reenact section fourteen, article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing county boards of education to select the bidders from whom school buses are purchased.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. PURCHASING DIVISION.

§5A-3-14. Bids to be based on standard specifications; period for alteration or withdrawal of bids; awards to lowest responsible bidder; uniform bids; record of bids; and exception.

1 Bids shall be based on the standard specifications
2 promulgated and adopted in accordance with the
3 provisions of section five of this article, and shall not be
4 altered or withdrawn after the appointed hour for the
5 opening of such bids. All open market orders, purchases
6 based on advertised bid requests or contracts made by
7 the director or by a state department shall be awarded

8 to the lowest responsible bidder, taking into considera-
9 tion the qualities of the articles to be supplied, their
10 conformity with specifications, their suitability to the
11 requirements of the government and the delivery terms:
12 *Provided*, That state bids on school buses shall be
13 accepted from all bidders, who meet the state board's
14 Minimum Standards for Design and Equipment of
15 School Buses shall be awarded contracts and county
16 boards of education may select from those bidders listed.
17 County boards of education shall pay the difference
18 between the amount equal to the current replacement
19 value of the bus fleet within each county as provided in
20 section seven, article nine-a, chapter eighteen of this
21 code and the county's annual cost of bus replacement.
22 Any or all bids may be rejected. If all bids received on
23 a pending contract are for the same unit price or total
24 amount, the director shall have authority to reject all
25 bids, and to purchase the required commodities and
26 printing in the open market, if the price paid in the open
27 market does not exceed the bid prices.

28 All bidders submitting bid proposals to the purchas-
29 ing division are required to submit an extra or duplicate
30 copy to the state auditor. Both copies must be received
31 at the respective offices prior to the specified date and
32 time of the bid openings. The failure to deliver or the
33 nonreceipt of these bid forms at either of these offices
34 prior to the appointed date and hour are grounds for
35 rejection of the bids. In the event of any deviation
36 between the copies submitted to the purchasing division
37 and the state auditor, such bids as to which there is such
38 deviation shall be rejected, if the deviation relates to the
39 quantity, quality or specifications of the commodities or
40 printing to be furnished or to the price therefor or to
41 the date of delivery or performance. After the award of
42 the order or contract, the director, or someone appointed
43 by him for that purpose, shall indicate upon the
44 successful bid and its copy in the office of the state
45 auditor that it was the successful bid. Thereafter, the
46 copy of each bid in the possession of the director and
47 the state auditor shall be maintained as a public record
48 by both of them, shall be open to public inspection in
49 the offices of both the director and the state auditor and

50 shall not be destroyed by either of them without the
51 written consent of the legislative auditor: *Provided*, That
52 the board of regents may certify in writing to the
53 director the need for a specific item essential to a
54 particular usage either for instructional or research
55 purposes at an institution of higher education and the
56 director upon review of such certification may provide
57 for the purchase of said specific items in the open
58 market without competitive bids.

Enr. Com. Sub. for H. B. 2160] 4

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

Frederick L. Parker
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Isaac A. Welch
Clerk of the Senate

Donald J. Hoopp
Clerk of the House of Delegates

Sam Stinebaugh
President of the Senate

Robert M. Howell
Speaker of the House of Delegates

The within *is disapproved* this the *27th*
day of *April*, 1989.

Yaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date

4/11/89

Time

11:35