WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

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ENROLLED

Com. Sub. for
HOUSE BILL No. 2160

(By Del. Ashcraft)

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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 promulgated and adopted in accordance with the provisions of section five of this article, and shall not be altered or withdrawn after the appointed hour for the opening of such bids. All open market orders, purchases based on advertised bid requests or contracts made by the director or by a state department shall be awarded
to the lowest responsible bidder, taking into considera-
tion the qualities of the articles to be supplied, their
conformity with specifications, their suitability to the
requirements of the government and the delivery terms:
Provided, That state bids on school buses shall be
accepted from all bidders, who meet the state board's
Minimum Standards for Design and Equipment of
School Buses shall be awarded contracts and county
boards of education may select from those bidders listed.
County boards of education shall pay the difference
between the amount equal to the current replacement
value of the bus fleet within each county as provided in
section seven, article nine-a, chapter eighteen of this
code and the county's annual cost of bus replacement.
Any or all bids may be rejected. If all bids received on
a pending contract are for the same unit price or total
amount, the director shall have authority to reject all
bids, and to purchase the required commodities and
printing in the open market, if the price paid in the open
market does not exceed the bid prices.

All bidders submitting bid proposals to the purchas-
ing division are required to submit an extra or duplicate
copy to the state auditor. Both copies must be received
at the respective offices prior to the specified date and
time of the bid openings. The failure to deliver or the
nonreceipt of these bid forms at either of these offices
prior to the appointed date and hour are grounds for
rejection of the bids. In the event of any deviation
between the copies submitted to the purchasing division
and the state auditor, such bids as to which there is such
deviation shall be rejected, if the deviation relates to the
quantity, quality or specifications of the commodities or
printing to be furnished or to the price therefor or to
the date of delivery or performance. After the award of
the order or contract, the director, or someone appointed
by him for that purpose, shall indicate upon the
successful bid and its copy in the office of the state
auditor that it was the successful bid. Thereafter, the
copy of each bid in the possession of the director and
the state auditor shall be maintained as a public record
by both of them, shall be open to public inspection in
the offices of both the director and the state auditor and
shall not be destroyed by either of them without the written consent of the legislative auditor: Provided, That the board of regents may certify in writing to the director the need for a specific item essential to a particular usage either for instructional or research purposes at an institution of higher education and the director upon review of such certification may provide for the purchase of said specific items in the open market without competitive bids.
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.

Evelin C. White
Clerk of the Senate

Donald J. Vogler
Clerk of the House of Delegates

Robert C. Hurley
President of the Senate

Robt. C. Causer
Speaker of the House of Delegates

The within _______ is [disapproved] this the ______ day of ________, 1989.

[Signature]
Governor