

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990



ENROLLED

HOUSE BILL No. *4386*

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



Passed *March 8,* 1990

In Effect *ninety days from* Passage

ENROLLED
H. B. 4386

(By DELEGATE ASHCRAFT)

[Passed March 8, 1990; 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4 altered or withdrawn after the appointed hour for the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 shall then be awarded
14 contracts if they meet the state board's "Minimum
15 Standards for Design and Equipment of School Buses".
16 County boards of education may select from those
17 bidders who have been awarded contracts and shall pay
18 the difference between the state aid formula amount and
19 the actual cost of bus replacement. Any or all bids may
20 be rejected. If all bids received on a pending contract
21 are for the same unit price or total amount, the director
22 shall have authority to reject all bids, and to purchase
23 the required commodities and printing in the open
24 market, if the price paid in the open market does not
25 exceed the bid prices.

26 All bidders submitting bid proposals to the purchas-
27 ing division are required to submit an extra or duplicate
28 copy to the state auditor. Both copies must be received
29 at the respective offices prior to the specified date and
30 time of the bid openings. The failure to deliver or the
31 nonreceipt of these bid forms at either of these offices
32 prior to the appointed date and hour are grounds for
33 rejection of the bids. In the event of any deviation
34 between the copies submitted to the purchasing division
35 and the state auditor, such bids as to which there is such
36 deviation shall be rejected, if the deviation relates to the
37 quantity, quality or specifications of the commodities or
38 printing to be furnished or to the price therefor or to
39 the date of delivery or performance. After the award of
40 the order or contract, the director, or someone appointed
41 by him for that purpose, shall indicate upon the
42 successful bid and its copy in the office of the state
43 auditor that it was the successful bid. Thereafter, the
44 copy of each bid in the possession of the director and
45 the state auditor shall be maintained as a public record
46 by both of them, shall be open to public inspection in
47 the offices of both the director and the state auditor and
48 shall not be destroyed by either of them without the
49 written consent of the legislative auditor: *Provided*, That
50 the governing boards may certify in writing to the
51 director the need for a specific item essential to a
52 particular usage either for instructional or research
53 purposes at an institution of higher education and the

54 director upon review of such certification may provide
55 for the purchase of said specific items in the open
56 market without competitive bids.

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

Fredrick L. Perke
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Harrell B. Holmes
Clerk of the Senate

Donald F. Hoop
Clerk of the House of Delegates

Kath Sundette
President of the Senate

Pat McCrory
Speaker of the House of Delegates

The within is approved this the *26th*
day of *March*, 1990.

Patton Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/16/90

Time 11:25 am

RECEIVED

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OFFICE OF THE
SPEAKER OF THE HOUSE