

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990



ENROLLED

Committee Substitute for
SENATE BILL NO. 146

(By Senator *J. Manchin*)



PASSED *March 9,* 1990

In Effect *July 1, 1990* ~~Passage~~

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 146

(BY SENATOR J. MANCHIN, *original sponsor*)

[Passed March 9, 1990; to take effect July 1, 1990.]

AN ACT to amend the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new chapter, designated chapter five-g, relating to the procurement of architect - engineer services by agencies of the state and its political subdivisions; providing declaration of policy and definitions; providing procedure for selection and procurement of architectural and engineering services.

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new chapter, designated chapter five-g, to read as follows:

**CHAPTER 5G. PROCUREMENT OF
ARCHITECT - ENGINEER
SERVICES BY STATE AND ITS SUBDIVISIONS.**

ARTICLE 1. PROCUREMENT OF ARCHITECT - ENGINEER SERVICES.

§5G-1-1. Declaration of legislative policy.

1 The Legislature hereby declares it to be the policy of

2 the state, and its political subdivisions, to procure
3 architectural or engineering services or both on the
4 basis of demonstrated competence and qualification for
5 the type of professional services required.

§5G-1-2. Definitions.

1 As used in this section:

2 (a) The term “agency” means all state departments,
3 agencies, authorities, quasi-public corporations and all
4 political subdivisions, including cities, counties, boards
5 of education and public service districts.

6 (b) The term “architectural and engineering servi-
7 ces” includes those professional services of an archi-
8 tectural or engineering nature as well as incidental
9 services that members of those professions and those
10 in their employ may logically or justifiably perform.

11 (c) The term “director of purchasing” means any
12 individual assigned by any agency to procure the
13 services of architects and engineers.

14 (d) The term “firm” or “professional firm” means
15 any individual, firm, partnership, corporation, associa-
16 tion or other legal entity permitted by law to practice
17 the professions of architecture and engineering.

**§5G-1-3. Contracts for architectural and engineering servi-
ces; selection process where total project
costs are estimated to cost two hundred fifty
thousand dollars or more.**

1 In the procurement of architectural and engineering
2 services for projects estimated to cost two hundred
3 fifty thousand dollars or more, the director of purchas-
4 ing shall encourage such firms engaged in the lawful
5 practice of the profession to submit an expression of
6 interest, which shall include a statement of qualifica-
7 tions and performance data, and may include antici-
8 pated concepts and proposed methods of approach to
9 the project. All such jobs shall be announced by public
10 notice published as a Class II legal advertisement in
11 compliance with the provisions of article three, chap-
12 ter fifty-nine of this code. A committee of three to five

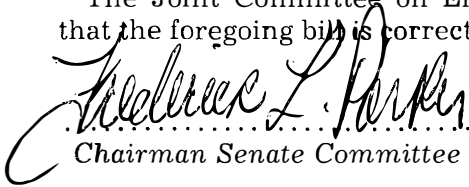
13 representatives of the agency initiating the request
 14 shall evaluate the statements of qualifications and
 15 performance data and other material submitted by
 16 interested firms and select a minimum of three firms
 17 which, in their opinion, are best qualified to perform
 18 the desired service. Interviews with each firm selected
 19 shall be conducted and the committee shall conduct
 20 discussions regarding anticipated concepts and pro-
 21 posed methods of approach to the assignment. The
 22 committee shall then rank, in order of preference, no
 23 less than three professional firms deemed to be the
 24 most highly qualified to provide the services required,
 25 and shall commence scope of service and price nego-
 26 tiations with the highest qualified professional firm for
 27 architectural or engineering services or both. Should
 28 the agency be unable to negotiate a satisfactory
 29 contract with the professional firm considered to be
 30 the most qualified, at a fee determined to be fair and
 31 reasonable, price negotiations with the firm of second
 32 choice shall commence. Failing accord with the second
 33 most qualified professional firm, the committee shall
 34 undertake price negotiations with the third most
 35 qualified professional firm. Should the agency be
 36 unable to negotiate a satisfactory contract with any of
 37 the selected professional firms, it shall select additional
 38 professional firms in order of their competence and
 39 qualifications and it shall continue negotiations in
 40 accordance with this section until an agreement is
 41 reached.

**§5G-1-4. Contracts for architectural and engineering servi-
 ces; selection process where total project
 costs are estimated to cost less than two
 hundred fifty thousand dollars.**

1 In the procurement of architectural and engineering
 2 services for projects estimated to cost less than two
 3 hundred fifty thousand dollars, competition shall be
 4 sought by the agency. The agency shall conduct
 5 discussions with three or more professional firms
 6 solicited on the basis of known or submitted qualifica-
 7 tions for the assignment prior to the awarding of any
 8 contract: *Provided*, That if a judgment is made that

9 special circumstances exist and that seeking competi-
10 tion is not practical, the agency may, with the prior
11 approval of the director of purchasing, select a firm on
12 the basis of previous satisfactory performance and
13 knowledge of the agency's facilities and needs. After
14 selection, the agency and firm shall develop the scope
15 of services required and negotiate a contract.

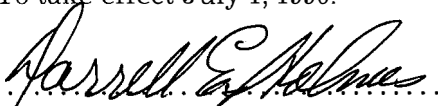
The Joint Committee on Enrolled Bills hereby certifies
that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

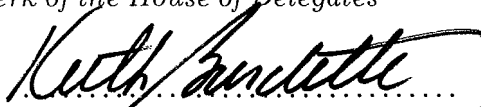

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Chairman House Committee


Originated in the Senate.

To take effect July 1, 1990.

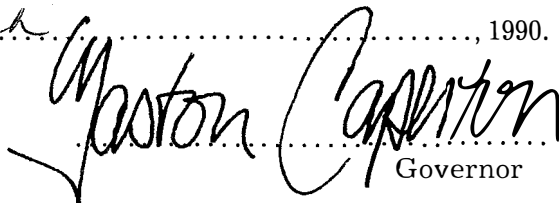

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 29th
day of March, 1990.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date

3/20/40

Time

10:15 am

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE