

HB 2140

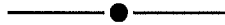
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OFFICE OF THE CLERK  
WEST VIRGINIA  
SPECIAL SESSION

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



# ENROLLED

## House Bill No. 2140

(By Delegate Michael)



Passed March 4, 1999

In Effect Ninety Days from Passage

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OFFICE OF THE CLERK  
SENATE, WEST VIRGINIA

**ENROLLED**  
**H. B. 2140**

(BY DELEGATE MICHAEL)

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[Passed March 4, 1999; in effect ninety days from passage.]

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AN ACT to amend and reenact section nineteen, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to abolishing the requirement that when the commissioner is about to construct or improve any highway, he or she shall file a copy of the plans and notice of the work to be performed.

*Be it enacted by the Legislature of West Virginia:*

That section nineteen, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 4. STATE ROAD SYSTEM.**

**§17-4-19. Contracts for construction, materials, etc.; work by prison labor, etc.; bidding procedure.**

1 All work of construction and reconstruction of state roads  
2 and bridges, and the furnishing of all materials and supplies  
3 therefor, and for the repair thereof shall be done and furnished  
4 pursuant to contract except that the commissioner may not be  
5 required to award any contract for work, which can be done  
6 advantageously, economically and practicably by commission  
7 forces or prison labor and by use of state road equipment, or for

8 materials and supplies, which are manufactured, processed or  
9 assembled by the commissioner: *Provided*, That the commis-  
10 sioner may not be required to award any contract for work,  
11 materials or supplies for an amount less than three thousand  
12 dollars. In all the work, the commissioner shall utilize state road  
13 forces or prison labor and state road equipment and shall  
14 manufacture, process and assemble all the materials and  
15 supplies for the work whenever and wherever the commis-  
16 sioner, in his or her discretion, finds work and services advanta-  
17 geous, economical and practicable in the state road program.

18 If the work is to be done, or the materials therefor are to be  
19 furnished by contract, the commissioner shall thereupon publish  
20 the following described advertisement as a Class II legal  
21 advertisement in compliance with the provisions of article  
22 three, chapter fifty-nine of this code, and the publication area  
23 for the publication shall be the county or municipality in which  
24 the road lies. The advertisement shall also be published at least  
25 once in at least one daily newspaper published in the city of  
26 Charleston and in other journals or magazines as may to the  
27 commissioner seem advisable. The advertisement shall solicit  
28 sealed proposals for the construction or other improvement of  
29 the road, and for the furnishing of materials therefor, accurately  
30 describing the same, and stating the time and place for opening  
31 the proposals and reserving the right to reject any and all  
32 proposals: *Provided*, That whenever the estimated amount of  
33 any contract for work or for materials or supplies is less than  
34 three thousand dollars, the commissioner may not be required  
35 to advertise the letting of the contract in newspapers as above  
36 required, but may award the contract to the lowest responsible  
37 bidder, when two or more sealed proposals or bids have been  
38 received by him or her without the advertisement, but the  
39 contract may not be so awarded unless the bid of the successful  
40 bidder is three thousand dollars or less. The commissioner shall  
41 have the power to prescribe proper prequalifications of contrac-  
42 tors bidding on state road construction work. To all sealed  
43 proposals there shall be attached the certified check of the  
44 bidder or bidder's bond acceptable to the commissioner, in the  
45 amount as the commissioner shall specify in the advertisement,

46 but not to exceed five percent of the aggregate amount of the  
47 bid; but the amount shall never be less than five hundred  
48 dollars. The proposals shall be publicly opened and read at the  
49 time and place specified in the advertisement, and the contract  
50 for the work, or for the supplies or materials required therefor  
51 shall, if let, be awarded by the commissioner to the lowest  
52 responsible bidder for the type of construction selected. In case  
53 all bids be rejected, the commissioner may thereafter do the  
54 work with commission forces or with prison labor, or may  
55 readvertise in the same manner as before and let a contract for  
56 the work pursuant thereto.

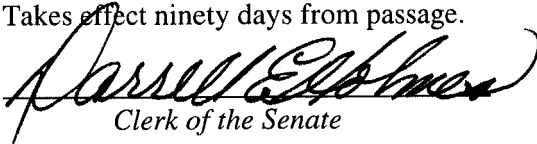
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

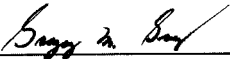
  
Chairman Senate Committee

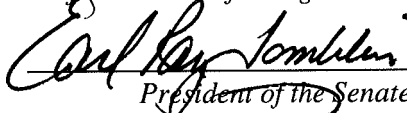
  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

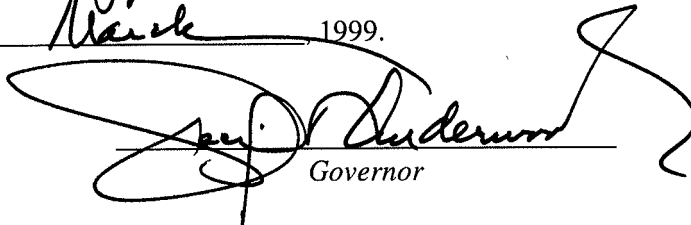
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within approved this the 16th  
day of March 1999.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/99

Time 9:25 am