

FILED

2001 MAY -2 P 4: 28

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

SENATE BILL NO. 586

(By Senator Tomblin, Mr. President)

PASSED April 14, 2001

In Effect 90 days from **Passage**

FILED

2001 MAY -2 P 4: 29

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

Senate Bill No. 586

(BY SENATOR TOMBLIN, MR. PRESIDENT)

[Passed April 14, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section fifteen, article fifteen-a, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to competitive bids; and raising the threshold for bids on infrastructure construction projects.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL.

§31-15A-15. Projects not to be considered public improvements; competitive bid requirements.

1 (a) No project or infrastructure project acquired,
2 constructed, maintained or financed, in whole or in part,
3 by the water development authority shall be considered to
4 be a "public improvement" within the meaning of the
5 provisions of article five-a, chapter twenty-one of this
6 code as a result of the financing.

7 (b) The state and its subdivisions shall, except as
8 provided in subsection (c) of this section, solicit competi-
9 tive bids and require the payment of prevailing wage rates
10 as provided in article five-a, chapter twenty-one of this
11 code for every project or infrastructure project funded
12 pursuant to this article exceeding twenty-five thousand
13 dollars in total cost.

14 Following the solicitation of the bids, the construction
15 contract shall be awarded to the lowest qualified responsi-
16 ble bidder, who shall furnish a sufficient performance and
17 payment bond: *Provided*, That the state and its subdivi-
18 sions may reject all bids and solicit new bids on the
19 project.

20 (c) This section does not:

21 (1) Apply to work performed on construction or repair
22 projects not exceeding a total cost of fifty thousand dollars
23 by regular full-time employees of the state or its subdivi-
24 sions: *Provided*, That no more than fifty thousand dollars
25 shall be expended on an individual project in a single
26 location in a twelve-month period;

27 (2) Prevent students enrolled in vocational educational
28 schools from being used in the construction or repair
29 projects when such use is a part of the students' training
30 program;

31 (3) Apply to emergency repairs to building components
32 and systems: *Provided*, That the term "emergency repairs"
33 means repairs that, if not made immediately, will seriously
34 impair the use of the building components and systems or

35 cause danger to those persons using the building compo-
36 nents and systems; or

37 (4) Apply to any situation where the state or a subdivi-
38 sion of the state comes to an agreement with volunteers, or
39 a volunteer group, by which the governmental body will
40 provide construction or repair materials, architectural,
41 engineering, technical or any other professional services
42 and the volunteers will provide the necessary labor
43 without charge to, or liability upon, the governmental
44 body: *Provided*, That the total cost of the construction or
45 repair projects does not exceed fifty thousand dollars.

46 (d) The provisions of subsection (b) of this section does
47 not apply to privately owned projects or infrastructure
48 projects constructed on lands not owned by the state or a
49 subdivision of the state.

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

Cary M. Ross
.....
Chairman Senate Committee

A. J. ...
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell ...
.....
Clerk of the Senate

Greg ...
.....
Clerk of the House of Delegates

Carl ...
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within is approved this the 1st
Day of May, 2001.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/30/01

Time 3:00 pm