1	H. B. 3136
2 3 4 5 6	(By Delegates Householder, Storch, White, Kominar, T. Campbell, Varner and Barill) [Introduced February 15, 2011; referred to the
7	Committee on Government Organization then the Judiciary.]
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10	A BILL to amend the Code of West Virginia, 1931, as amended, by
11	adding thereto a new section, designated $\$5-22-3$, relating to
12	government construction contracts; and providing
13	specifications for multiple prime contracts for certain public
14	works projects.
15	Be it enacted by the Legislature of West Virginia:
16	That the Code of West Virginia, 1931, as amended, be amended
17	by adding thereto a new section, designated §5-22-3, to read as
18	follows:
19	ARTICLE 22. GOVERNMENT CONSTRUCTION CONTRACTS.
20	§5-22-3. Multiple prime contracts and specifications for certain
21	public works projects.
22	(a) Whenever the state or any of its subdivisions, as defined
23	in section one, article twenty-two of this chapter are charged with
24	the duty of preparing specifications or awarding or entering into
25	contracts for the erection, construction, reconstruction or
26	alteration of buildings, and when the entire cost of the public

- 1 work exceeds \$500,000, the state or the applicable subdivision
- 2 shall prepare separate bid proposals and bid specifications for the
- 3 following subdivisions of the work to be performed:
- 4 (1) Plumbing;
- 5 (2) Heating, ventilating and air conditioning apparatus;
- 6 (3) Electrical;
- 7 (4) Fire protection services;
- 8 (5) General construction and finishing; and
- 9 (6) Excavation, site preparation and landscaping.
- 10 (b) These specifications shall be drawn so as to permit
- 11 separate and independent bidding upon each of these subdivisions of
- 12 work. All contracts awarded by the state, a political subdivision
- 13 of the state or by any officer, board or agency of the state, for
- 14 the erection, construction, reconstruction or alteration of
- 15 buildings, or any part thereof, shall award the subdivisions of the
- 16 above specified work separately in a manner consistent with
- 17 applicable statutes and rules. Nothing in this section may be
- 18 construed to prevent the state or any political subdivision from
- 19 performing any such branches of work by or through their regular
- 20 employees, or in the case of public institutions, by the inmates of
- 21 public institutions.
- (c) Each bidder on a public work contract shall, within two
- 23 hours of bid opening, provide a list that names each subcontractor
- 24 that the bidder will use to perform work on the contract for:

- 1 (1) Plumbing;
- 2 (2) Heating, ventilating and air conditioning apparatus;
- 3 (3) Electrical;
- 4 (4) Fire protection services;
- 5 (5) General construction and finishing; and
- 6 (6) Excavation, site preparation and landscaping.
- 7 The list of subcontractors shall include the West Virginia
- 8 contractor's license number for each subcontractor named. Any
- 9 change of subcontractor requires the approval of the public owner,
- 10 upon a showing presented to the public owner of the legitimate
- 11 construction need for the change, which shall be open to public
- 12 inspection. Legitimate construction need includes, but is not
- 13 limited to, a change in project specifications, a change in
- 14 construction material costs or a change to subcontractor status, if
- 15 the subcontractor has become otherwise unwilling, unable or
- 16 unavailable to perform the subcontract.

NOTE: The purpose of this bill is to create a requirement for multiple prime contract bids on certain public works projects.

This section is new; therefore, it has been completely

underscored.