

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 564

(By Senator Snyder)

[Originating in the Committee on Government Organization;
reported March 27, 2013.]

A BILL to amend and reenact §8-16-5 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum construction cost of a municipal public works project before competitive bidding is required; and defining terms.

Be it enacted by the Legislature of West Virginia:

That §8-16-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 16. MUNICIPAL PUBLIC WORKS; REVENUE
BOND FINANCING.**

PART III. GENERAL POWERS AND AUTHORITY.

§8-16-5. Powers of board.

1 (a) The board shall have plenary power and authority to
2 take all steps and proceedings, and to make and enter into all
3 contracts or agreements necessary, appropriate, useful,
4 convenient or incidental to the performance of its duties and
5 the execution of its powers and authority under this article:
6 *Provided*, That any contract or agreement relating to the
7 financing, or the construction, reconstruction, establishment,
8 acquisition, improvement, renovation, extension,
9 enlargement, increase, equipment, operation or maintenance
10 of any such works, and any trust indenture with respect
11 thereto as hereafter provided for, shall be approved by the
12 governing body or bodies.

13 (b) The board may employ engineers, architects,
14 inspectors, superintendents, managers, collectors, attorneys
15 and such other employees as in its judgment may be
16 necessary in the execution of its powers and duties, and may
17 fix their compensation, all of whom shall do such work as the
18 board may direct. All compensation and expenses incurred

19 in carrying out the provisions of this article shall be paid
20 solely from funds provided under the authority of this article,
21 and the board shall not exercise or carry out any power or
22 authority herein given it so as to bind said board or any
23 municipality beyond the extent to which money shall have
24 been, or may be provided under the authority of this article.

25 (c) No purchase of materials, contract or agreement with
26 any contractor or contractors for labor or materials, or both,
27 exceeding in amount the sum of ~~\$10,000~~ \$25,000 shall be
28 made without advertising for bids, which bids shall be
29 publicly opened and an award made to the lowest responsible
30 bidder, with power and authority in the board to reject any
31 and all bids. For the purpose of this section, a “purchase of
32 materials” means any single or annual purchase of goods, and
33 a “contract or agreement” means a single project or purpose,
34 including the integral and component parts of that project.

35 (d) After the construction, reconstruction, establishment,
36 acquisition, renovation or equipment of any such works, the
37 board shall maintain, operate, manage and control the same,

38 and may order and complete any improvements, extensions,
39 enlargements, increase or repair (including replacements) of
40 and to the works that the board may consider expedient, if
41 funds therefor be available, or are made available, as
42 provided in this article, and shall establish rules for the use,
43 maintenance and operation of the works, and do all things
44 necessary or expedient for the successful operation thereof,
45 and for stormwater systems and associated stormwater
46 management programs, those activities which include, but are
47 not limited to, stormwater and surface runoff water quality
48 improvement activities necessary to comply with all federal
49 and state requirements. All public ways or public works
50 damaged or destroyed by the board in carrying out its
51 authority under this article shall be restored or repaired by the
52 board and placed in their original condition, as nearly as
53 practicable, if requested so to do by proper authority, out of
54 the funds provided under the authority of this article.