

Senate Bill No. 54

(By Senator Yost)

[Introduced January 14, 2015; referred to the Committee on Labor; and then to the Committee on Government Organization.]

A BILL to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17-17-7, §17-17-16 and §17-17-17 of said code, all relating to certification requirements for applicators who paint state bridges.

Be it enacted by the Legislature of West Virginia:

That §17-4-19 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §17-17-7, §17-17-16 and §17-17-17 of said code be amended and reenacted, all to read as follows:

ARTICLE 4. STATE ROAD SYSTEM.

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

(a) All work of construction and reconstruction of state roads and bridges, and the furnishing of all materials and supplies therefor, and for the repair thereof shall be done and furnished pursuant to contract, except that the commissioner may not be required to award any contract for work which

1 can be done advantageously, economically and practicably by commission forces or prison labor and
2 by use of state road equipment, or for materials and supplies, which are manufactured, processed or
3 assembled by the commissioner: *Provided*, That the commissioner may not be required to award any
4 contract for work, materials or supplies for an amount less than \$3,000. In all the work, the
5 commissioner shall ~~utilize~~ use state road forces or prison labor and state road equipment and shall
6 manufacture, process and assemble all the materials and supplies for the work whenever and
7 wherever the commissioner, in his or her discretion, finds work and services advantageous,
8 economical and practicable in the state road program.

9 (b) If the work is to be done, or the materials therefor are to be furnished by contract, the
10 commissioner shall thereupon publish the following described advertisement as a Class II legal
11 advertisement, in compliance with the provisions of article three, chapter fifty-nine of this code, and
12 the publication area for the publication shall be the county or municipality in which the road lies.

13 (c) The advertisement shall also be published at least once in at least one daily newspaper
14 published in the city of Charleston and in other journals or magazines as may to the commissioner
15 seem advisable. The advertisement shall solicit sealed proposals for the construction or other
16 improvement of the road, and for the furnishing of materials therefor, accurately describing the same,
17 and stating the time and place for opening the proposals and reserving the right to reject any and all
18 proposals: *Provided*, That whenever the estimated amount of any contract for work or for materials
19 or supplies is less than \$3,000, the commissioner may not be required to advertise the letting of the
20 contract in newspapers as above required, but may award the contract to the lowest responsible
21 bidder, when two or more sealed proposals or bids have been received by him or her without the
22 advertisement, but the contract may not be so awarded unless the bid of the successful bidder is

1 \$3,000 or less.

2 (d) The commissioner shall have the power to prescribe proper prequalifications of
3 contractors bidding on state road construction work: *Provided*, That a vendor who has been debarred
4 pursuant to the provisions of sections thirty-three-a through thirty-three-f, article three, chapter five-
5 a of this code, may not bid on or be awarded a contract under this section.

6 (e) To all sealed proposals there shall be attached the certified check of the bidder or bidder's
7 bond acceptable to the commissioner, in the amount as the commissioner shall specify in the
8 advertisement, but not to exceed five percent of the aggregate amount of the bid; but the amount
9 shall never be less than \$500. The proposals shall be publicly opened and read at the time and place
10 specified in the advertisement, and the contract for the work, or for the supplies or materials required
11 therefor shall, if let, be awarded by the commissioner to the lowest responsible bidder for the type
12 of construction selected.

13 (f) In case all bids be rejected, the commissioner may thereafter do the work with commission
14 forces or with prison labor, or may readvertise in the same manner as before and let a contract for
15 the work pursuant thereto.

16 (g) Whenever the construction, reconstruction or repair of a state bridge necessitates the
17 painting thereof, the application shall be conducted by workers, whether state employee or
18 contractor, who have successfully completed the SSPC Coating Application Specialist (CAS)
19 Program.

20 **ARTICLE 17. TOLL BRIDGES.**

21 **§17-17-7. Purchase, construction or repair of toll bridge.**

22 (a) When it is necessary to build or repair a toll bridge on any county-district road, or to

1 purchase any existing toll bridge on such road within any county, or across the boundary thereof, the
2 county ~~court~~ commission of the county may contract for the same, or any part thereof, on such terms
3 as may be agreed upon, and take bond and security from the contractors in the sum of fifty percent
4 of the amount of such contract, and pay for the same out of the County Road Fund or out of the road
5 funds of the district or districts in which such improvement is located, or by issuing bonds for the
6 amount that may be agreed upon; and to this end the court shall appoint a competent engineer to
7 make a thorough investigation and estimate of the cost of ~~such~~ the improvement. Upon receiving the
8 estimate of cost, the court, if satisfied with the correctness of same and the necessity and importance
9 of ~~such~~ the improvement, may advertise for and receive proposals and make such other orders in the
10 premises from time to time as shall be necessary and proper.

11 (b) Whenever the construction, reconstruction or repair of a state toll bridge necessitates the
12 painting thereof, the application shall be conducted by workers, whether state employee or
13 contractor, who have successfully completed the SSPC Coating Application Specialist (CAS)
14 Program.

15 **§17-17-16. Repair of toll bridge before purchase.**

16 (a) At or before the time any ~~such~~ toll bridge shall be acquired by purchase by the state Road
17 Commissioner, he or she shall determine what repairs, replacements, additions or betterments will
18 be necessary to place the bridge in safe and efficient condition for the use of the public, and to cause
19 an estimate of the cost of ~~such~~ the improvement to be made and submitted to the commissioner by
20 an engineer or engineers appointed by the commissioner. ~~Such~~ The improvements shall be ordered
21 by the commissioner before the sale of any bridge revenue bonds hereinafter authorized for the
22 purchase of the bridge, and shall be paid for out of the proceeds of ~~such~~ the bonds.

1 (b) Whenever the construction, reconstruction or repair of a state toll bridge necessitates the
2 painting thereof, the application shall be conducted by workers, whether state employee or
3 contractor, who have successfully completed the SSPC Coating Application Specialist (CAS)
4 Program.

5 **§17-17-17. Construction of toll bridge; purchase of land, etc., therefor.**

6 (a) The State Road Commissioner may construct, whenever he or she shall deem ~~such~~ the
7 construction expedient, but solely by means of or with the proceeds of the bridge revenue bonds
8 hereinafter authorized, any toll bridge or bridges over and across any river or stream lying wholly
9 or partly within the state or forming a boundary of the state, of such design or designs and at such
10 place or places as may be approved by the state Road Commission. The commissioner may purchase
11 within this state and within any adjoining state, solely from funds provided under the authority of
12 this article, such lands, structures, rights-of-way, franchises, easements and other interests in lands,
13 including lands under water and riparian rights of any person, railroad or other corporation or
14 municipality or political subdivision, deemed necessary for the construction of any such bridge, upon
15 terms and at such prices as may be considered by ~~him~~ the commissioner to be reasonable and can
16 be agreed upon between ~~him~~ the commissioner and the owner thereof, title thereto to be taken in the
17 name of the state.

18 (b) Whenever the construction, reconstruction or repair of a state toll bridge necessitates the
19 painting thereof, the application shall be conducted by workers, whether state employee or
20 contractor, who have successfully completed the SSPC Coating Application Specialist (CAS)
21 Program.

NOTE: The purpose of this bill is to require that all workers who paint state bridges have successfully completed the SSPC Coating Application Specialist (CAS) Program.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.