

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4404

BY DELEGATE BUTLER AND PORTERFIELD

BY REQUEST OF THE DIVISION OF HIGHWAYS

[Introduced January 17, 2020; Referred
to the Committee on Technology and Infrastructure
then Government Organization]

1 A BILL to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended, relating
 2 to removing the requirement that the Division of Highways read bids aloud; and removing
 3 antiquated language.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. STATE ROAD SYSTEM.

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

1 (a) All ~~work of~~ construction, repair, and reconstruction of state roads and bridges, and the
 2 furnishing of all materials and supplies therefor, ~~and for the repair thereof~~ shall be done and
 3 furnished pursuant to contract, ~~except~~. Except that the commissioner may not be required to
 4 award any contract for work which can be done advantageously, economically and practicably by
 5 commission forces or prison labor and by use of state road equipment, or for materials and
 6 supplies. ~~which are manufactured, processed or assembled by the commissioner. Provided, That~~
 7 the The commissioner may not be required to award any contract for work, materials or supplies
 8 for an amount less than \$3,000. In all the work, the commissioner shall utilize state road forces
 9 or prison labor and state road equipment and shall manufacture, process and assemble all the
 10 materials and supplies for the work whenever and wherever the commissioner, in his or her
 11 discretion, finds work and services advantageous, economical and practicable in the state road
 12 program.

13 (b) If the work is to be done, or the materials therefor are to be furnished by contract, the
 14 commissioner shall ~~thereupon~~ publish the following described advertisement as a Class II legal
 15 advertisement, in compliance with the provisions of article three, chapter 59 of this code, and the
 16 publication area for the publication shall be the county or municipality in which the road lies.

17 (c) The advertisement shall also be published at least once in at least one daily newspaper
 18 published in the city of Charleston and in other journals or magazines as may to the commissioner
 19 seem advisable. The advertisement shall solicit sealed proposals for the construction or other

20 improvement of the road, and for the furnishing of materials therefor, accurately describing the
21 same, and stating the time and place for opening the proposals and reserving the right to reject
22 any and all proposals: *Provided*, That whenever the estimated amount of any contract for work or
23 for materials or supplies is less than \$3,000, the commissioner may not be required to advertise
24 the letting of the contract in newspapers as above required, but may award the contract to the
25 lowest responsible bidder, when two or more sealed proposals or bids have been received by him
26 or her without the advertisement, but the contract may not be so awarded unless the bid of the
27 successful bidder is \$3,000 or less.

28 (d) The commissioner shall have the power to prescribe proper prequalifications of
29 contractors bidding on state road construction work: *Provided*, That a vendor who has been
30 debarred pursuant to the provisions of §5A-3-33-b through §5A-3-33-f of this code, may not bid
31 on or be awarded a contract under this section.

32 (e) To all sealed proposals there shall be attached the certified check of the bidder or
33 bidder's bond acceptable to the commissioner, in the amount as the commissioner shall specify
34 in the advertisement, but not to exceed five percent of the aggregate amount of the bid; but the
35 amount shall never be less than \$5.00. The proposals shall be publicly opened ~~and read~~ at the
36 time and place specified in the advertisement, and the contract for the work, or for the supplies or
37 materials required therefor shall, if let, be awarded by the commissioner to the lowest responsible
38 bidder for the type of construction selected. Copies of bids will be available for public inspection
39 during regular business hours after the bid opening.

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

NOTE: The purpose of this bill is to remove the antiquated requirement that actual bids be

read aloud at the bid opening. A copy of all bids will be available to the public after the bids have been opened.

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