

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3134

By Delegates Barnhart, Anderson, Jennings, Dittman,

Kelly, and Miller

[Introduced January 30, 2023; Referred to the
Committee on Political Subdivisions then Finance]

1 A BILL to amend and reenact §8-16-5 of the Code of West Virginia, 1931, as amended, relating to
2 raising the threshold from \$25,000 to \$50,000 for the requirement of bids for municipal
3 public works projects.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. MUNICIPAL PUBLIC WORKS; REVENUE BOND FINANCING.

§8-16-5. Powers of board.

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

8 (b) The board may employ engineers, architects, inspectors, superintendents, managers,
9 collectors, attorneys and such other employees as in its judgment may be necessary in the
10 execution of its powers and duties, and may fix their compensation, all of whom shall do such work
11 as the board may direct. All compensation and expenses incurred in carrying out the provisions of
12 this article shall be paid solely from funds provided under the authority of this article, and the board
13 shall not exercise or carry out any power or authority herein given it so as to bind said board or any
14 municipality beyond the extent to which money shall have been, or may be provided under the
15 authority of this article.

16 (c) No contract or agreement with any contractor or contractors for labor or materials, or
17 both, exceeding in amount the sum of ~~\$25,000~~ \$50,000 shall be made without advertising for bids,
18 which bids shall be publicly opened and an award made to the lowest responsible bidder, with
19 power and authority in the board to reject any and all bids.

20 (d) After the construction, reconstruction, establishment, acquisition, renovation or

21 equipment of any such works, the board shall maintain, operate, manage and control the same,
22 and may order and complete any improvements, extensions, enlargements, increase or repair
23 (including replacements) of and to the works that the board may consider expedient, if funds
24 therefor be available, or are made available, as provided in this article, and shall establish rules for
25 the use, maintenance and operation of the works, and do all things necessary or expedient for the
26 successful operation thereof, and for stormwater systems and associated stormwater
27 management programs, those activities which include, but are not limited to, stormwater and
28 surface runoff water quality improvement activities necessary to comply with all federal and state
29 requirements. All public ways or public works damaged or destroyed by the board in carrying out
30 its authority under this article shall be restored or repaired by the board and placed in their original
31 condition, as nearly as practicable, if requested so to do by proper authority, out of the funds
32 provided under the authority of this article.

33 (e) Emergency repairs shall be exempt from the bidding requirements of subsection (c) of
34 this section. For the purpose of this subdivision, the term emergency repairs means repairs that if
35 not made immediately will seriously impair the use of building components, systems, and public
36 infrastructure or cause danger to persons using the building components, systems, and public
37 infrastructure.

NOTE: The purpose of this bill is to raise the threshold from \$25,000 to \$50,000 for the requirement of bids for municipal public works projects.

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