

1 **H. B. 4592**

2
3 (By Delegate Householder)

4 [Introduced February 17, 2012; referred to the
5 Committee on Government Organization.]
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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

1 the duty of preparing specifications or awarding or entering into
2 contracts for the erection, construction, reconstruction or
3 alteration of buildings, and when the entire cost of the public
4 work exceeds \$500,000, the state or the applicable subdivision
5 shall prepare separate bid proposals and bid specifications for the
6 following subdivisions of the work to be performed:

7 (1) Plumbing;

8 (2) Heating, ventilating and air conditioning apparatus;

9 (3) Electrical;

10 (4) Fire protection services;

11 (5) General construction and finishing; and

12 (6) Excavation, site preparation and landscaping.

13 (b) These specifications shall be drawn so as to permit

14 separate and independent bidding upon each of these subdivisions of

15 work. All contracts awarded by the state, a political subdivision

16 of the state or by any officer, board or agency of the state, for

17 the erection, construction, reconstruction or alteration of

18 buildings, or any part thereof, shall award the subdivisions of the

19 above specified work separately in a manner consistent with

20 applicable statutes and rules. Nothing in this section prevents the

21 state or any political subdivision from performing any such

22 branches of work by or through their regular employees, or in the

23 case of public institutions, by the inmates of public institutions.

24 (c) Each bidder on a public work contract shall, within two

1 hours of bid opening, provide a list that names each subcontractor
2 that the bidder will use to perform work on the contract for:

3 (1) Plumbing;

4 (2) Heating, ventilating and air conditioning apparatus;

5 (3) Electrical;

6 (4) Fire protection services;

7 (5) General construction and finishing; and

8 (6) Excavation, site preparation and landscaping.

9 The list of subcontractors shall include the West Virginia
10 contractor's license number for each subcontractor named. Any
11 change of subcontractor requires the approval of the public owner,
12 upon a showing presented to the public owner of the legitimate
13 construction need for the change, which shall be open to public
14 inspection. Legitimate construction need includes, but is not
15 limited to, a change in project specifications, a change in
16 construction material costs or a change to subcontractor status, if
17 the subcontractor has become otherwise unwilling, unable or
18 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.