

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 564**

4 (By Senator Snyder)

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

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12 A BILL to amend and reenact §8-16-5 of the Code of West Virginia,
13 1931, as amended, relating to increasing the minimum
14 construction cost of a municipal public works project before
15 competitive bidding is required; and defining terms.

16 *Be it enacted by the Legislature of West Virginia:*

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

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

20 PART III. GENERAL POWERS AND AUTHORITY.

21 **§8-16-5. Powers of board.**

22 (a) The board shall have plenary power and authority to take
23 all steps and proceedings, and to make and enter into all contracts
24 or agreements necessary, appropriate, useful, convenient or
25 incidental to the performance of its duties and the execution of

1 its powers and authority under this article: *Provided*, That any
2 contract or agreement relating to the financing, or the
3 construction, reconstruction, establishment, acquisition,
4 improvement, renovation, extension, enlargement, increase,
5 equipment, operation or maintenance of any such works, and any
6 trust indenture with respect thereto as hereafter provided for,
7 shall be approved by the governing body or bodies.

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

19 (c) No purchase of materials, contract or agreement with any
20 contractor or contractors for labor or materials, or both,
21 exceeding in amount the sum of ~~\$10,000~~ \$25,000 shall be made
22 without advertising for bids, which bids shall be publicly opened
23 and an award made to the lowest responsible bidder, with power and
24 authority in the board to reject any and all bids. For the purpose
25 of this section, a "purchase of materials" means any single or
26 annual purchase of goods, and a "contract or agreement" means a

1 single project or purpose, including the integral and component
2 parts of that project.

3 (d) After the construction, reconstruction, establishment,
4 acquisition, renovation or equipment of any such works, the board
5 shall maintain, operate, manage and control the same, and may order
6 and complete any improvements, extensions, enlargements, increase
7 or repair (including replacements) of and to the works that the
8 board may consider expedient, if funds therefor be available, or
9 are made available, as provided in this article, and shall
10 establish rules for the use, maintenance and operation of the
11 works, and do all things necessary or expedient for the successful
12 operation thereof, and for stormwater systems and associated
13 stormwater management programs, those activities which include, but
14 are not limited to, stormwater and surface runoff water quality
15 improvement activities necessary to comply with all federal and
16 state requirements. All public ways or public works damaged or
17 destroyed by the board in carrying out its authority under this
18 article shall be restored or repaired by the board and placed in
19 their original condition, as nearly as practicable, if requested so
20 to do by proper authority, out of the funds provided under the
21 authority of this article.