

Senate Bill No. 564

(By Senator Snyder)

[Introduced March 19, 2013; referred to the Committee on
Government Organization.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 16. MUNICIPAL PUBLIC WORKS; REVENUE BOND FINANCING.

PART III. GENERAL POWERS AND AUTHORITY.

§8-16-5. Powers of board.

(a) The board shall have plenary power and authority to take
all steps and proceedings, and to make and enter into all contracts
or agreements necessary, appropriate, useful, convenient or
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 contract or agreement with any contractor or
20 contractors for labor or materials, or both, exceeding in amount
21 the sum of ~~\$10,000~~ \$25,000 shall be made without advertising for
22 bids, which bids shall be publicly opened and an award made to the
23 lowest responsible bidder, with power and authority in the board to
24 reject any and all bids.

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

NOTE: The purpose of this bill is to increase the minimum construction cost of a municipal public works project from \$10,000 to \$25,000 before competitive bidding is required.

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