

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

**Introduced**

### **Senate Bill 66**

**FISCAL  
NOTE**

BY SENATOR YOST

[Introduced January 13, 2016;

Referred to the Committee on Transportation and

Infrastructure; and then to the Committee on

Government Organization.]

1 A BILL to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended; and to  
2 amend and reenact §17-17-7, §17-17-16 and §17-17-17 of said code, all relating to  
3 certification requirements for applicators who paint state bridges.

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

1 That §17-4-19 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted; and that §17-17-7, §17-17-16 and §17-17-17 of said code be amended and reenacted,  
3 all to read as follows:

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

13 (b) If the work is to be done, or the materials therefor are to be furnished by  
14 contract, the commissioner shall thereupon publish the following described advertisement

15 as a Class II legal advertisement, in compliance with the provisions of article three, chapter  
16 fifty-nine of this code, and the publication area for the publication shall be the county or  
17 municipality in which the road lies.

18 (c) The advertisement shall also be published at least once in at least one daily  
19 newspaper published in the city of Charleston and in other journals or magazines as may  
20 to the commissioner seem advisable. The advertisement shall solicit sealed proposals  
21 for the construction or other improvement of the road, and for the furnishing of materials  
22 therefor, accurately describing the same, and stating the time and place for opening the  
23 proposals and reserving the right to reject any and all proposals: *Provided, That*  
24 whenever the estimated amount of any contract for work or for materials or supplies is  
25 less than \$3,000, the commissioner may not be required to advertise the letting of the  
26 contract in newspapers as above required, but may award the contract to the lowest  
27 responsible bidder, when two or more sealed proposals or bids have been received by  
28 him or her without the advertisement, but the contract may not be so awarded unless the  
29 bid of the successful bidder is \$3,000 or less.

30 (d) The commissioner shall have the power to prescribe proper prequalifications  
31 of contractors bidding on state road construction work: *Provided, That* a vendor who has  
32 been debarred pursuant to the provisions of sections thirty-three-a through thirty-three-f,  
33 article three, chapter five-a of this code, may not bid on or be awarded a contract under  
34 this section.

35 (e) To all sealed proposals there shall be attached the certified check of the bidder  
36 or bidder's bond acceptable to the commissioner, in the amount as the commissioner  
37 shall specify in the advertisement, but not to exceed five percent of the aggregate amount

38 of the bid; but the amount shall never be less than \$500. The proposals shall be publicly  
 39 opened and read at the time and place specified in the advertisement, and the contract  
 40 for the work, or for the supplies or materials required therefor shall, if let, be awarded by  
 41 the commissioner to the lowest responsible bidder for the type of construction selected.

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

45 (g) Whenever the construction, reconstruction or repair of a state bridge necessitates the  
 46 painting thereof, the application shall be conducted by workers, whether state employee or  
 47 contractor, who have successfully completed the SSPC Coating Application Specialist (CAS)  
 48 Program.

## **ARTICLE 17. TOLL BRIDGES.**

### **§17-17-7. Purchase, construction or repair of toll bridge.**

1 (a) When it is necessary to build or repair a toll bridge on any county-district road, or to  
 2 purchase any existing toll bridge on such road within any county, or across the boundary thereof,  
 3 the county ~~court~~ commission of the county may contract for the same, or any part thereof, on such  
 4 terms as may be agreed upon, and take bond and security from the contractors in the sum of fifty  
 5 percent of the amount of such contract, and pay for the same out of the County Road Fund or out  
 6 of the road funds of the district or districts in which such improvement is located, or by issuing  
 7 bonds for the amount that may be agreed upon; and to this end the court shall appoint a  
 8 competent engineer to make a thorough investigation and estimate of the cost of ~~such~~ the  
 9 improvement. Upon receiving the estimate of cost, the court, if satisfied with the correctness of  
 10 same and the necessity and importance of ~~such~~ the improvement, may advertise for and receive  
 11 proposals and make such other orders in the premises from time to time as shall be necessary  
 12 and proper.

13 (b) Whenever the construction, reconstruction or repair of a state toll bridge necessitates  
14 the painting thereof, the application shall be conducted by workers, whether state employee or  
15 contractor, who have successfully completed the SSPC Coating Application Specialist (CAS)  
16 Program.

**§17-17-16. Repair of toll bridge before purchase.**

1 (a) At or before the time any ~~such~~ toll bridge shall be acquired by purchase by the  
2 Division of Highways, he or she shall determine what repairs, replacements, additions or  
3 betterments will be necessary to place the bridge in safe and efficient condition for the  
4 use of the public, and to cause an estimate of the cost of ~~such~~ the improvement to be  
5 made and submitted to the commissioner by an engineer or engineers appointed by the  
6 commissioner. ~~Such~~ The improvements shall be ordered by the commissioner before the  
7 sale of any bridge revenue bonds hereinafter authorized for the purchase of the bridge,  
8 and shall be paid for out of the proceeds of ~~such~~ the bonds.

9 (b) Whenever the construction, reconstruction or repair of a state toll bridge  
10 necessitates the painting thereof, the application shall be conducted by workers, whether  
11 state employee or contractor, who have successfully completed the SSPC Coating  
12 Application Specialist (CAS) Program.

**§17-17-17. Construction of toll bridge; purchase of land, etc., therefor.**

1 (a) The Division of Highways may construct, whenever he or she shall deem ~~such~~  
2 the construction expedient, but solely by means of or with the proceeds of the bridge  
3 revenue bonds hereinafter authorized, any toll bridge or bridges over and across any river  
4 or stream lying wholly or partly within the state or forming a boundary of the state, of such  
5 design or designs and at such place or places as may be approved by the Division of  
6 Highways. The commissioner may purchase within this state and within any adjoining

7 state, solely from funds provided under the authority of this article, such lands, structures,  
8 rights-of-way, franchises, easements and other interests in lands, including lands under  
9 water and riparian rights of any person, railroad or other corporation or municipality or  
10 political subdivision, deemed necessary for the construction of any such bridge, upon  
11 terms and at such prices as may be considered by ~~him~~ the commissioner to be reasonable  
12 and can be agreed upon between ~~him~~ the commissioner and the owner thereof, title  
13 thereto to be taken in the name of the state.

14 (b) Whenever the construction, reconstruction or repair of a state toll bridge  
15 necessitates the painting thereof, the application shall be conducted by workers, whether  
16 state employee or contractor, who have successfully completed the SSPC Coating  
17 Application Specialist (CAS) Program.

NOTE: The purpose of this bill is to require that all workers who paint state bridges have successfully completed the SSPC Coating Application Specialist (CAS) Program.

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