

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

House Bill 2011

BY DELEGATE SUMMERS, HOWELL, WAXMAN, QUEEN,

HAMRICK, JENNINGS, SYPOLT, PHILLIPS, CADLE,

WORRELL AND KUMP

[Originating in the Committee on Government

Organization, February 20, 2019.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto five new
2 sections designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5 all relating to
3 the creation of the Enhanced Road Maintenance Program; providing for Legislative intent;
4 providing for certain maintenance activities to be performed by private vendor contractors;
5 providing for payment; providing for purchasing requirements; providing for reports and
6 audit reviews; and providing an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 30. ENHANCED ROAD MAINTENANCE PROGRAM.

§17-30-1. Legislative intent; purpose.

1 Whereas, the Legislature finds that the Division of Highways, through no fault of its own,
2 struggles to maintain roadways to the expectation of the citizens of this state. The purpose of the
3 Enhanced Road Maintenance Program established in this article is to increase the utilization of
4 private vendor contractors to provide maintenance services for the Division of Highways in
5 districts where there is an established need so that this state's roads will be properly maintained
6 and usable by the citizens of this state.

§17-30-2. Establishment of the Enhanced Road Maintenance Program.

1 (a) The Enhanced Road Maintenance Program is hereby created within the Division of
2 Highways, to be administered by the Division in accordance with the provisions of this article.

3 (b) The Division of Highways is authorized to direct each district to contract with vendor
4 contractors to perform certain road maintenance activities, including but not limited to, pot hole
5 repair, paving, ditching, snow removal, and mowing, on and along each district's roadways.

6 (a) The Division of Highways shall permit each district to contract with a private contractor
7 or private contractors to perform certain maintenance activities, including but not limited to,
8 ditching, snow removal, and mowing, along each district's roadways.

9 (c) Each district, as authorized by the division, shall contract with a vendor contractor to
10 complete a portion of maintenance activities for the district, subject, however, to the availability of
11 funds and the availability of acceptable bids from contract vendors.

§17-30-3. District maintenance plans; purchasing requirements.

1 (a) Each district is required to develop a maintenance plan for the district. By December
2 1, 2019, and by December 1 of each year thereafter, each district shall complete a review of the
3 proposed maintenance projects and work to determine what work and projects were not
4 completed during the previous year. If the district has not completed any of the maintenance that
5 was proposed for completion in the previous year, the district shall solicit bids and, to the extent
6 funds are available and acceptable bids are submitted, contract with vendors by February of the
7 following year to complete work and projects that were proposed for the previous year that have
8 not been performed or completed.

9 (b) Each district must use their allocated funds for the purpose of contracting with a vendor
10 to perform certain maintenance activities for the district. In the event the district has fully utilized
11 their annual allocation, the Division of Highways may supplement the district in need, only if
12 additional funds are available to do so.

13 (c) By December 1, 2019, each district shall have in place a mechanism to solicit bids from
14 vendor contractors. Each mechanism shall include submission of the successful bid to the
15 Governor in the form and manner prescribed by the Governor for rejection within five days of
16 receipt. If rejected, the district may select another bid from the available pool without rebidding
17 the contract.

18 (d) Notwithstanding any other provision of this code to the contrary, the bidding and vendor
19 contracting process provided for in this article shall be conducted in accordance with the most
20 efficient procedures available to the Division of Highways. The District may only require that the
21 vendor provide the minimum amount of insurance coverage, and bond and surety coverage that
22 is required by law.

23 (e) Vendor contractors performing work pursuant to a contract pursuant to this article shall
24 follow all work, operating and safety procedures and requirements prescribed by the Division of
25 Highways.

26 (f) Potential vendors desiring eligibility to contract to perform and provide snow removal
27 on public roads with a truck equipped with a snow plow shall provide the district with evidence of
28 the appropriate driver's license and endorsements for each operator. Each operator that has not
29 provided evidence of appropriate experience to the district shall satisfactorily complete a road
30 test, to be determined by district personnel, to demonstrate competency in the skills necessary to
31 perform the work in a safe and workmanlike manner.

§17-30-4. Reporting requirements; Legislative Auditor review.

1 (a) By November 1, 2019, and on November 1 of each year thereafter, the Division of
2 Highways shall present a report to the Legislative Oversight Commission on Department of
3 Transportation Accountability as to the status and progress of the program together with any
4 suggested legislation to address any issues related thereto no later than November of the
5 following fiscal year. After November 2022, such reports will no longer be required.

6 (b) By December 1, 2019, and by December biennially thereafter, the Legislative Auditor
7 in a separate audit report, shall review the program to determine efficacy, economic responsibility,
8 and other such factors relating to the program and submit a report of his or her findings, together
9 with any suggested legislation to improve the efficiency and to more economically carry out the
10 purposes of this article.

§17-30-5. Effective Date.

1 This article will take effect on July 1, 2019.

NOTE: The purpose of this bill is to create the Road Maintenance Program for each district to contract with private contractors to perform certain road maintenance activities in each district.

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

