

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2735

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[Introduced January 30, 2019; Referred
to the Committee on Technology and Infrastructure
then Government Organization.]

1 A BILL to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended, relating
2 to requiring any state road or bridge that exceeds 55 miles per hour that is under
3 construction for longer than 72 hours proceed with work 24 hours per day until completed.

Be it enacted by the Legislature of West Virginia:

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 and
3 furnished pursuant to contract, except that the commissioner may not be required to award any
4 contract for work which can be done advantageously, economically and practicably by
5 commission forces or prison labor and by use of state road equipment, or for materials and
6 supplies, which are manufactured, processed or assembled by the commissioner: *Provided*, That
7 the commissioner may not be required to award any contract for work, materials or supplies for
8 an amount less than \$3,000. In all the work, the commissioner shall utilize state road forces or
9 prison labor and state road equipment and shall manufacture, process and assemble all the
10 materials and supplies for the work whenever and wherever the commissioner, in his or her
11 discretion, finds work and services advantageous, economical and practicable in the state road
12 program: *Provided, however, That any state road or bridge with a speed limit exceeding 55 miles*
13 *per hour undergoing work relating to construction or reconstruction that takes greater than 72*
14 *hours to complete shall proceed 24 hours per day until completion: *Provided further, That any**
15 *weather conditions which would make it unsafe or impractical to perform work without a*
16 *reasonable accommodation for any number of hours shall not be included in the initial 72 hour*
17 *completion requirement or required to proceed 24 hours per day if conditions are unsafe or*
18 *impractical.*

19 (b) If the work is to be done, or the materials therefor are to be furnished by contract, the

20 commissioner shall thereupon publish the following described advertisement as a Class II legal
21 advertisement, in compliance with the provisions of §59-3-1 *et seq.* of this code, and the
22 publication area for the publication shall be the county or municipality in which the road lies.

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

34 (d) The commissioner shall have the power to prescribe proper prequalifications of
35 contractors bidding on state road construction work: *Provided*, That a vendor who has been
36 debarred pursuant to the provisions of §5A-3-33a through §5A-3-33f of this code, may not bid on
37 or be awarded a contract under this section: *Provided, however, That the commissioner shall*
38 *require any contractor to work 24 hours a day for any contract work that does last longer than 72*
39 *hours: *Provided further*, That any weather conditions which would make it unsafe or impractical*
40 *to perform work without a reasonable accommodation for any number of hours shall not be*
41 *included in the initial 72 hour completion requirement or required to proceed 24 hours per day if*
42 *conditions are unsafe or impractical.*

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

46 amount shall never be less than ~~\$5.00~~ \$5.00. The proposals shall be publicly opened and read at
47 the time and place specified in the advertisement, and the contract for the work, or for the supplies
48 or materials required therefor shall, if let, be awarded by the commissioner to the lowest
49 responsible bidder for the type of construction selected.

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

NOTE: The purpose of this bill is to require any state road or bridge that exceeds 55 miles per hour that is under construction for longer than 72 hours proceed with work 24 hours per day until completed, weather permitting.

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