

# **WEST VIRGINIA LEGISLATURE**

**2025 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 3429**

BY DELEGATE RILEY

[Passed April 12, 2025; in effect 90 days from  
passage (July 11, 2025)]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new section  
2 designated §22-2-11, relating to providing engineering services under the abandoned  
3 mine lands and reclamation act; requiring certain advertisements; establishing a  
4 prequalification process for hiring engineering firms; providing prequalification agreement  
5 requirements; and providing directives for project assignments.

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

## **ARTICLE 2. ABANDONED MINE LANDS AND RECLAMATION ACT.**

### **§22-2-11. Prequalification process for consultants; project assignments.**

1 (a) For purposes of this section, "professional services" means engineering services  
2 provided by firms and includes those professional services of an engineering nature as well as  
3 incidental services that members of those professions and those in their employ may logically or  
4 justifiably perform.

5 (b) The secretary shall publish a Class II legal advertisement to solicit letters of interest  
6 for professional services used in engineering procurement. The advertisement:

7 (1) Shall comply with the Class II legal advertisement provisions of §59-3-1 *et seq.* of this  
8 code;

9 (2) State a time and place for submitting letters of interest and a description of the services  
10 required;

11 (3) Specify the secretary's right to reject any letter of interest; and

12 (4) Shall be published at least once in at least one daily newspaper published in the city  
13 of Charleston and in other journals or magazines as the secretary determines is advisable.

14 (c) The department shall evaluate any letter of interest received and generate from the  
15 letters received a list of all qualified firms, designated the "Prequalified List of Firms".

16 (d) Upon the department's recommendation, the Purchasing Division shall enter into a  
17 prequalification agreement with the qualified firms pursuant to §5A-3-10e of this code. The

18 agreement shall cover the services defined in the letters of interest and have a one-year term,  
19 with an optional two-year extension if requested by the department.

20 (e) For all project assignments:

21 (1) The department shall issue an expression of interest for any project that needs to be  
22 solicited and deliver it to those prequalified firms with which the Purchasing Division has an active  
23 prequalification agreement;

24 (2) The department may review and consider responses only from prequalified consultants  
25 with active prequalification agreements;

26 (3) The department shall conduct discussions with three or more professional services  
27 firms solicited on the basis of known or submitted qualifications for the project prior to awarding a  
28 contract. If the secretary determines that special circumstances exist such that seeking  
29 competition is not practical, the department may, with the Director of Purchasing's prior approval,  
30 select a professional services firm on the basis of previous satisfactory performance and  
31 knowledge of the department's facilities and needs. After selection, the department and firm shall  
32 develop the scope of services required and negotiate a contract;

33 (4) The department shall notify its procurement division and the Division of Purchasing of  
34 the firm that it selected;

35 (5) The department shall schedule and conduct a scope of work meeting with the selected  
36 firm within 45 days of selection;

37 (6) Within 60 days of selection, unless an extension is requested by both parties, the  
38 department and firm shall complete cost negotiations;

39 (7) The department shall provide to its own procurement division and the Purchasing  
40 Division information regarding the agreed upon costs and all required forms necessary to initiate  
41 a contract; and

42 (8) The department may issue an advanced notice to proceed, if requested by the firm.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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*Clerk of the House of Delegates*

.....  
*Clerk of the Senate*

Originated in the House of Delegates.

In effect 90 days from passage.

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within is ..... this the.....  
Day of ....., 2025.

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*Governor*