

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 979

BY SENATORS RUCKER AND ROSE

[Reported February 24, 2026, from the Committee on
Transportation and Infrastructure]

1 A BILL to amend and reenact §17-4-19 of the Code of West Virginia, 1931, as amended, relating
2 to advertisements for work and materials for state roads and bridges; eliminating
3 requirement for legal advertisement in newspaper; requiring advertisement on website of
4 Department of Transportation at least 14 calendar days in advance of contracting or
5 letting; and authorizing Commissioner of Division of Highways to publish advertisements.

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.

13 (b) If the work is to be done, or the materials therefor are to be furnished by contract, the
14 commissioner shall thereupon publish the following described advertisement ~~as a Class II legal~~
15 ~~advertisement, in compliance with the provisions of article three, chapter fifty-nine of this code,~~
16 ~~and the publication area for the publication shall be the county or municipality in which the road~~
17 ~~lies~~ at least 14 calendar days in advance of any contracting or letting on the website of the West

18 Virginia Department of Transportation and may, in addition, publish it in any print or digital media
19 and on any platform or website approved by the commissioner.

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

31 (d) The commissioner shall have the power to prescribe proper prequalifications of
32 contractors bidding on state road construction work: *Provided*, That a vendor who has been
33 debarred pursuant to the provisions of ~~§5A-3-33a~~ §5A-3-33b through §5A-3-33f of this code may
34 not bid on or be awarded a contract under this section.

35 (e) To all sealed proposals there shall be attached the certified check of the bidder or
36 bidder's bond acceptable to the commissioner, in the amount as the commissioner shall specify
37 in the advertisement, but not to exceed five percent of the aggregate amount of the bid; but the
38 amount shall never be less than \$5. The proposals shall be publicly opened and read at the time
39 and place specified in the advertisement, and the contract for the work, or for the supplies or
40 materials required therefor shall, if let, be awarded by the commissioner to the lowest responsible
41 bidder for the type of construction selected.

42 (f) In case all bids ~~be~~ are 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 and let
44 a contract for the work pursuant thereto.