



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

4/30/2019 8:52:05 AM

Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: School Building Authority Of WV TITLE-SERIES: 164-05
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: School Building Authority Contracts and Agreements
CITE STATUTORY AUTHORITY: 18-9D-20

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) Senate Bill 672

Section 18-9D-21(e) Passed On 3/7/2019 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 30, 2019

This rule shall terminate and have no further force or effect from the following date:

April 30, 2029

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Benjamin Ashley -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 164
LEGISLATIVE RULE
SCHOOL BUILDING AUTHORITY OF WEST VIRGINIA

SERIES 5
SCHOOL BUILDING AUTHORITY CONTRACTS AND AGREEMENTS

§164-5-1. General.

1.1. Scope. -- This legislative rule establishes the guidelines and procedures related to requirements for School Building Authority contracts and agreements.

1.2. Authority. -- W. Va. Code §18-9D-20.

1.3. Filing Date. -- April 30, 2019

1.4. Effective Date. -- April 30, 2019

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of April 30, 2029.

§164-5-2. School Building Authority Contracts and Agreements.

2.1. Grant Agreement.

2.1.A. In order for SBA funds to be utilized for any project, a grant agreement between the educational agency and the SBA must be enacted.

2.1.B. New school designs in West Virginia shall comply with applicable codes and standards as adopted by the State of West Virginia in accordance with §18-9E-3.

2.2. Construction Agreement

2.2.A. Qualified contractors bidding on SBA projects will present acceptable liability insurance levels and a completed "Contractor's Qualification Statement" to the SBA for review prior to the award of the construction contracts. A financial statement shall be required of the lowest qualified bidder(s) being considered for award of the contract. These documents are to be treated in highest confidentiality and are to be reviewed only by those involved with the selection of the contractor. The "Contractor Qualification Statements" including subcontractors shall be submitted to the School Building Authority office by low bid contractors within 72 hours of the completion of the bid opening.

2.2.B. All bid documents prepared shall require that the lowest qualified bidder(s) submit a completed list of Subcontractors and Major Equipment and Material Suppliers. This information must be submitted by the lowest qualified bidder(s) to the SBA office within two hours after the completion of the bid opening. Bid openings shall not occur after 2:00 p.m. local prevailing time. Failure to submit the list of subcontractors and major material suppliers within the two-hour limit will result in the rejection of the bid.

2.2.C. Work Based Learning Opportunities. -- To the extent practical, the constructing contractor on projects involving the new construction and renovations of Vocational, Technical and Adult Education facilities should work cooperatively with the county board of education or Administrative Council to establish work-based learning experienced to introduce county vocational students to

construction work practices.