

Construction unions sue WVU

May 26, 2007, By James I. Davison, Staff writer

A state coalition of construction unions is suing West Virginia University and the WVU Alumni Association for failing to follow state bidding laws when picking a contractor to build the school's new alumni center.

The lawsuit, filed April 19 by the Affiliated Construction Trades Foundation in Monongalia Circuit Court, alleges that WVU, a state-funded institution, is paying for parts of the construction, and therefore a bidding process should have been used to determine a construction company for the project.

The WVU Alumni Association, however, says the project is completely funded by private contributions.

The Morgantown-based contractor, March-Westin Co., is expected to start construction on the \$12 million facility after a groundbreaking ceremony scheduled for June 1. The center is expected to open by fall 2008.

According to West Virginia law, a competitive bidding process must be used to determine who is hired for any government construction contracts. Also named in the suit is the WVU Board of Governors and March-Westin.

ACT Foundation Executive Director Steve White said WVU is involved enough with the construction for it to be considered a public project.

"The university, and in essence taxpayer money, is without a question deeply involved in the project," White said. "We think that WVU has a track record of trying to avoid procurement laws."

The acquisition of the Evansdale campus construction site was publicly funded because the land is owned by WVU, he said.

The land is owned by WVU, confirmed Alumni Association assistant director Tara Curtis, but the private organization is paying the university to lease it, she said.

WVU spokeswoman Janey Cink said because the land is leased from the university, it is not a state construction project.

"The University is very supportive of the new alumni center being constructed by the Alumni Association," Cink said in an e-mail. "While the facility is being built on land leased from the University, the new building is an Alumni Association project."

Still, White said, WVU's support of the project extends to design and development, site preparation and even work on the structural foundation.

"The law does not allow for you to split up a project like that," he said.

Curtis said the site work conducted by WVU is an unrelated project to build detention ponds for storm runoff. All other work is funded from private contribution, she added.

Some of the WVU-funded work is related to readying the site for the alumni center construction, but the Alumni Association plans to pay WVU for its cost, Curtis said. The site preparation was taking place at the same time as the WVU maintenance work, so it made sense to combine the tasks, she added.

“All the cost that we’re incurring, including the cost for the site preparation, ... are being paid for by the Alumni Association,” she said. “We really don’t believe there’s any merit to the lawsuit. We’re not really sure what the concerns are.”

White said despite the lawsuit, the ACT Foundation is a supporter of WVU and the Alumni Association.

“This is all about making sure that public expenditures are done the way that the law is laid out,” he said. “That’s how the public gets the best bang for the buck and when you take those things away ... then you encourage cronyism and favoritism.”