

Unions ask court to stop WVU project

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Public funding must follow law, ACT says

A state coalition of construction unions suing the West Virginia University Alumni Association wants to stop construction work on the school's new alumni center before the matter is scheduled to go to court in early September.

The Affiliated Construction Trades Foundation filed a motion in Monongalia Circuit Court on Tuesday for a preliminary injunction. If granted, the injunction would halt work on the \$12 million construction project, which was expected to be complete by fall 2008.

"Given that the project may well be underway [by the Sept. 4 court date], we don't want to put the court in an impossible position," said Steve White, the ACT Foundation's executive director. "Having them tear down work that is already done is something nobody wants, so we're trying to avoid that."

The lawsuit, which was filed in April, alleges that the Alumni Association's project uses some public funding provided by WVU, yet failed to use a competitive bidding process required by state law to determine a construction company. The project also fails to use prevailing wages, according to the lawsuit.

The Alumni Association, however, maintains the ACT Foundation lawsuit has "no merit" and that the project is funded entirely by private contributions, said Tara Curtis, the organization's assistant director.

"We're moving forward until the court tells us we can't," Curtis said Wednesday.

Site preparation and foundation work is already underway, but that work was put up for bid and no one disputes it is being publicly funded by WVU.

The ACT Foundation has said that the site preparation and foundation work are all part of one alumni center project and can't be split into separate publicly and privately funded parts.

The Alumni Association, however, has said the land is owned by WVU and leased by the private organization, and that the costs incurred during the site preparation will be paid back to the university.

White said ACT's interests are not to hold up the construction, which is why they first filed a notice late last year.

"We started the legal proceedings back in December 2006, so it's not like we just popped up here," he said.

The lawsuit also names the university, WVU's Board of Governors and the project's Morgantown-based contractor, March-Westin Co.

ACT's request for an injunction is scheduled to go before a judge Aug. 6, White said.