

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 193

SENATOR TARR, *original sponsor*

[Passed March 7, 2020; in effect 90 days from
passage]

1 AN ACT to amend and reenact §5A-3-10 of the Code of West Virginia, 1931, as amended, relating
2 to establishing deadlines for spending units to submit procurements to the Purchasing
3 Division when a continuing procurement for goods and services exceeds \$1 million.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. PURCHASING DIVISION.

§5A-3-10. Competitive bids; publication of solicitations for sealed bids; purchase of products of nonprofit workshops; employee to assist in dealings with nonprofit workshops; continuing procurements over \$1 million.

1 (a) A purchase of and contract for commodities, printing, and services shall be based,
2 whenever possible, on competitive bids.

3 (b) The director shall solicit sealed bids for the purchase of commodities and printing which
4 is estimated to exceed \$25,000. No spending unit shall issue a series of requisitions or divide or
5 plan procurements to circumvent this \$25,000 threshold or otherwise avoid the use of sealed bids.
6 Any spending unit which awards multiple contracts for the same or similar commodity or service
7 to an individual vendor over any 12-month period, the total value of which exceeds \$25,000, shall
8 file copies of all contracts awarded to the vendor within the 12 preceding months with the director
9 immediately upon exceeding the \$25,000 limit, along with a statement explaining how the multiple
10 contract awards do not circumvent the \$25,000 threshold. If the spending unit does not
11 immediately report to the director, the director may suspend the purchasing authority of the
12 spending unit until the spending unit complies with the reporting requirement of this subsection.
13 The director may conduct a review of any spending unit to ensure compliance with this subsection.
14 Following a review, the director shall complete a report summarizing his or her findings and
15 forward the report to the spending unit. In addition, the director shall report to the Joint Committee
16 on Government and Finance on January 1 and July 1 of each year the spending units which have
17 reported under this subsection and the findings of the director.

18 (c) The director may permit bids by electronic transmission to be accepted in lieu of sealed
19 bids.

20 (d) Bids shall be solicited by public notice. The notice may be published by any advertising
21 medium the director considers advisable. The director may also solicit sealed bids by sending
22 requests by mail or electronic transmission to prospective vendors.

23 (e) (1) The director shall, without competitive bidding, purchase commodities and services
24 produced and offered for sale by nonprofit workshops, as defined in §5A-1-1 of this code, which
25 are located in this state: *Provided*, That the commodities and services shall be of a fair market
26 price and of like quality comparable to other commodities and services otherwise available as
27 determined by the director with the advice of the Committee on the Purchase of Commodities and
28 Services from the Handicapped.

29 (2) To encourage contracts for commodities and services with nonprofit workshops, the
30 director shall employ a person whose responsibilities in addition to other duties are to identify all
31 commodities and services available for purchase from nonprofit workshops, to evaluate the need
32 of the state for commodities and services to coordinate the various nonprofit workshops in their
33 production efforts, and to make available to the workshops information about available
34 opportunities within state government for purchase of commodities or services which might be
35 produced and sold by such workshops. Funds to employ such a person shall be included annually
36 in the budget.

37 (f) For all commodities and services in an amount exceeding \$1 million, if the procurement
38 of the commodity or service is continuing in nature, 12 months prior to the expiration of the
39 contract or final renewal option, whichever is later, the spending unit shall submit a new
40 procurement for approval and release to the Purchasing Division. This procurement shall be
41 awarded or terminated no later than 180 days after the procurement specifications have been
42 submitted to and approved by the Purchasing Division.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2020.

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Governor