

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4418**

BY DELEGATES LINVILLE, STEELE, ROHRBACH, LOVEJOY,  
HORNBUCKLE, BOOTH, WORRELL, GRIFFITH, AND MANDT

[Originating in the Committee on Government

Organization; February 9, 2022]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §5B-2-18, relating to the Small Business Supplier Certification Assistance  
3 Program; establishing a pilot program for the verification and certification of small business  
4 enterprises participating in the government contracting and procurement process;  
5 authorizing the Department of Economic Development to collaborate with Marshall  
6 University for purposes of establishing the pilot program; requiring a master plan for the  
7 pilot program; and establishing a deadline and reporting requirements for the pilot  
8 program.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. DEPARTMENT OF ECONOMIC DEVELOPMENT.**

**§5B-2-18. Small Business Supplier Certification Assistance Program.**

1 (a) The Legislature finds that there is currently no standardized certification process for  
2 small business enterprises in West Virginia. As a result, there is no uniform method for verifying  
3 or certifying small business contractors or suppliers seeking to participate in government  
4 contracting and procurement processes. The Legislature further finds that it is important to  
5 develop such a certification program to promote more in-state businesses and to strengthen  
6 regional supply chains within the institutions of the state or its political subdivisions. Therefore, it  
7 is the purpose of this section to establish the Small Business Supplier Certification Assistance  
8 Pilot Program, to develop and implement a certification process for the benefit of small business  
9 enterprises seeking to further engage in the government contracting and bidding processes.

10 (b) The Department of Economic Development is hereby authorized to work in  
11 collaboration with Marshall University to establish a Small Business Supplier Certification  
12 Assistance Pilot Program to be implemented for purposes of developing a certification process  
13 for small business enterprises.

14 (c) Prior to implementation of the pilot program, Marshall University shall coordinate with  
15 the Department to develop a master plan for the pilot program, the focus of which should include,  
16 but not be limited to, the following:

17 (1) A mission statement and small business participation plan for the program aimed at  
18 creating a competitive business environment by promoting the growth and success of small  
19 businesses through meaningful participation in the procurement process. The small business  
20 participation plan shall include:

21 (A) A study to determine any inequities that exist in public procurement and contracting  
22 that adversely affect small business vendors;

23 (B) An outreach program to identify and provide education to small business vendors;

24 (C) Initial and continuing education opportunities for the small business vendor community  
25 through both virtual and in-person workshops;

26 (D) A small business vendor notification process for bidding opportunities; and

27 (E) A method of assessing overall program results and establishing recommendations for  
28 future goals and participation.

29 (2) Development of an application and certification process for small business enterprises,  
30 including guidelines for certification, based upon existing federal Small Business Administration  
31 guidelines;

32 (3) Education and outreach proposals relating to program certifications and the benefits  
33 of small business participation;

34 (4) Technical training to be provided on state and government contracting and the public  
35 bidding process;

36 (5) Notification of current bidding opportunities for small business providers;

37 (6) Opportunities for collaboration with other public and private sector entities; and

38 (7) Methods of implementation of the pilot program, which shall include:

39 (A) Defined program goals;

40 (B) Program research to be conducted;

41 (C) Scheduling milestones, assignment of tasks, and allocation of resources; and

42 (D) Reporting of program certifications, successes, and benefits to the economy and small  
43 business opportunities.

44 (d) The pilot program shall continue in duration through December 31, 2023, and unless  
45 continued by the legislature, the program will terminate at midnight on January 1, 2024. Prior to  
46 the conclusion of the program, the Department, in coordination with Marshall University, shall  
47 report to the Legislature's Joint Commission on Economic Development on the following:

48 (1) Progress towards and methods of implementation of the pilot program, including the  
49 required certifications and training for small business enterprises;

50 (2) An analysis of the overall program results based on the metrics created in the master  
51 plan of the pilot program;

52 (3) Recommendations as to whether the pilot program should continue beyond its current  
53 duration; and

54 (4) Any proposed plan or legislation necessary to accomplish the purpose of making the  
55 program permanent.

56 (e) For purposes of the pilot program, any information provided by a small business  
57 enterprise for purposes of the certification process shall be considered private and confidential  
58 and exempt from the provisions of the Freedom of Information Act, as provided in §29B-1-1, et  
59 seq. of this code. Neither the Department nor Marshall University may share any information  
60 provided by a small business enterprise with any other state or federal agencies unless required  
61 by law.