

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4418

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

[Introduced January 27, 2022; Referred to
the Committee on Small Business, Entrepreneurship
and Economic Development then Government
Organization.]

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 disadvantaged
4 and small business enterprises participating in the government contracting and
5 procurement process; authorizing the Department of Economic Development to
6 collaborate with Marshall University for purposes of establishing the pilot program;
7 requiring a master plan for the pilot program; and establishing a deadline and reporting
8 requirements for the pilot 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 disadvantaged and small business enterprises in West Virginia. As a result, there is no uniform
3 method for verifying or certifying small business contractors or suppliers seeking to participate in
4 government contracting and procurement processes. The Legislature further finds that it is
5 important to develop such a certification program in order to promote more in-state businesses
6 and to strengthen regional supply chains within the institutions of the state or its political
7 subdivisions. Therefore, it is the purpose of this section to establish the Small Business Supplier
8 Certification Assistance Pilot Program, in order to develop and implement a certification process
9 for the benefit of disadvantaged and small business enterprises seeking to further engage in the
10 government contracting and bidding processes.

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

15 (c) Prior to implementation of the pilot program, Marshall University shall coordinate with

16 the department to develop a master plan for the pilot program, the focus of which should include,
17 but not be limited to, the following:

18 (1) A mission statement and small business participation plan for the program;

19 (2) Development of an application and certification process for disadvantaged and small
20 business enterprises, including guidelines for certification;

21 (3) Education and outreach proposals relating to program certifications and the benefits
22 of business participation;

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

25 (5) Notification of current bidding opportunities for disadvantaged and small business
26 providers;

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

28 (7) Methods of implementation of the pilot program and reporting of program certifications,
29 successes, and benefits to the economy and small business opportunities.

30 (d) The pilot program shall continue in duration through December 31, 2023. Prior to the
31 conclusion of the program, the department, in coordination with Marshall University, shall report
32 to the Legislature's Joint Commission on Economic Development on the following:

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

35 (2) An analysis of the success of the pilot program;

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

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

40 (e) For purposes of the pilot program, any information provided by a disadvantaged or
41 small business enterprise for purposes of the certification process shall be exempt from the

42 provisions of the Freedom of Information Act, as provided in §29B-1-1, et seq. of this code.

NOTE: The purpose of this bill is to establish the Small Business Supplier Certification Assistance Pilot Program, in order to develop and implement a certification process for disadvantaged and small business enterprises engaged in government contracting and bidding processes.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.