

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 591**

By Senators Oliverio, Plymale, Caputo, Woelfel,

Maroney, and Woodrum

[Introduced January 29, 2024; referred  
to the Committee on Government Organization]



17 (9) To provide safeguards for the maintenance of a procurement system of quality and  
18 integrity; and

19 (10) To obtain in a cost-effective and responsive manner the commodities and services  
20 required by spending units for those spending units to better serve this state's businesses and  
21 residents.

22 (b) The provisions of this article apply to all of the spending units of state government,  
23 except as otherwise provided by this article or by law.

24 (c) The provisions of this article do not apply to the judicial branch, the West Virginia State  
25 Police, the West Virginia Office of Laboratory Services, the legislative branch, to purchases of  
26 stock made by the Alcohol Beverage Control Commissioner and to purchases of textbooks,  
27 instructional materials, digital content resources, instructional technology, hardware, software,  
28 telecommunications and technical services by the State Board of Education for use in and in  
29 support of the public schools.

30 (d) The provisions of this article do not apply to any contract, agreement or memorandum  
31 of understanding between a spending unit of a state government and West Virginia University or  
32 Marshall University for services, except that any contract entered into under §9-2-6(5) of this code  
33 for the provision of Medicaid services by a risk-bearing entity is not exempt from the provisions of  
34 this article.

35 ~~(d)~~ (e) Notwithstanding any other provisions of this article, commodities and services may  
36 be purchased by a spending unit in the open market for immediate delivery in emergencies:  
37 Provided, That the purchase and a description of the circumstances warranting such emergency  
38 purchase are timely reported by the agency head or other authorized agent of the spending unit  
39 under the provisions of § 5A-3-4(a)(2) of this code.

40 ~~(e)~~ (f) The provisions of this article apply to every expenditure of public funds by a spending  
41 unit for commodities and services irrespective of the source of the funds, except as otherwise  
42 provided by this article or by law.

NOTE: The purpose of this bill is to exempt contracts, agreements or memoranda of understanding between a spending unit of a state government and West Virginia University or Marshall University for services from the Purchasing Division policies. It also provides that any contract entered into for the provision of Medicaid services by a risk-bearing entity is not exempt from the provisions of this article.

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