WEST VIRGINIA CODE: §18B-5-3

§18B-5-3. Authority to contract for programs, services and facilities.

(a) The governing boards, the commission, and the council are authorized and empowered to enter into contracts and expend funds for programs, services and facilities provided by public and private education institutions, associations, boards, agencies, consortia, corporations, partnerships, individuals and local, state and federal governmental bodies within and outside of West Virginia in order that maximum higher education opportunities of high quality may be provided to the citizens of the state in the most economical manner. In no event may a contract for such services and facilities be entered into unless the commission, the council, or the governing boards have determined that such services and facilities are necessary and would be at a savings to the state.

(b) When a governing board, the commission, or the council determines that a contract for financial services is necessary and proper, it may enter into such a contract with an affiliated nonprofit corporation under such financial terms as the governing board, commission, or council determines are reasonable and proper in the sound administration of their financial responsibilities to the state. In so doing, the affiliated nonprofit corporation shall be deemed a sole source in respect to any applicable law or regulation relating to expenditures of public funds.

(c) As used in this section, "affiliated nonprofit corporation" means a West Virginia nonprofit, nonstock corporation which:

(1) Is organized as for charitable, educational, and scientific purposes, or for similar purposes;

(2) Is recognized by the Internal Revenue Service as a Section 501(c)3, or successor provision of federal law, tax-exempt organization;

(3) Is organized solely to support and contribute to the respective institution of higher education, or to the commission, or to the council, as applicable; and

(4) Has annually independently audited financial statements, which have been included and presented, for at least the preceding five fiscal years, in the audited financial statements of the respective governing board, or of the respective institution of higher education under the authority of a governing board, or of the commission or council.

WV Legislature