

# WEST VIRGINIA CODE: §5A-3-1

## **§5A-3-1. Division created; purpose; director; applicability of article; continuation.**

(a) The Purchasing Division within the Department of Administration is continued. The underlying purposes and policies of the Purchasing Division are:

- (1) To establish centralized offices to provide purchasing and travel services to the various state agencies;
- (2) To simplify, clarify and modernize the law governing procurement by this state;
- (3) To permit the continued development of procurement policies and practices;
- (4) To make as consistent as possible the procurement rules and practices among the various spending units;
- (5) To provide for increased public confidence in the procedures followed in public procurement;
- (6) To ensure the fair and equitable treatment of all persons who deal with the procurement system of this state;
- (7) To provide increased economy in procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds;
- (8) To foster effective broad-based competition within the free enterprise system;
- (9) To provide safeguards for the maintenance of a procurement system of quality and integrity; and
- (10) To obtain in a cost-effective and responsive manner the commodities and services required by spending units in order for those spending units to better serve this state's businesses and residents.

(b) The Director of the Purchasing Division shall, at the time of appointment:

- (1) Be a graduate of an accredited college or university; and
- (2) Have spent a minimum of ten of the fifteen years immediately preceding his or her appointment employed in an executive capacity in purchasing for any unit of government or for any business, commercial or industrial enterprise.

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

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

(e) During the 2018 calendar year, the Legislative Auditor shall audit purchasing procedures of the West Virginia State Police pursuant to the exemption provided in subsection (d) of this section and report the results to the Joint Committee on Government and Finance.

(f) During the 2019 calendar year, the Legislative Auditor shall audit purchasing procedures of the West Virginia State Police pursuant to the exemption provided in subsection (d) of this section and report the results to the Joint Committee on Government and Finance.

(g) On or before December 31, 2020, the West Virginia State Police shall report to the Joint Committee on Government and Finance on the effects of exempting said agency from the provisions of this article, including but not limited to, any realized cost savings and changes in purchasing policies resulting from such exemption.

(h) The provisions of this article apply to every expenditure of public funds by a spending unit for commodities and services irrespective of the source of the funds