WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980

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ENROLLED
SENATE BILL NO. 345

(By Mr. [Signature])

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PASSED March 8, 1980
In Effect ninety days from Passage
AN ACT to amend and reenact section three, article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to empowering the state director of purchasing to review and, if necessary, rewrite the specifications and product descriptions in the requests for quotations of all other state agencies bidding out purchases to assure that they do not favor a particular brand of product or vendor; and excluding construction and repair contracts entered into by the state commissioner of highways from review and approval of director of purchasing.

Be it enacted by the Legislature of West Virginia:

That section three, article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. PURCHASING DIVISION.

§5A-3-3. Powers and duties of director of purchasing.

1 The director, under the direction and supervision of the commissioner, shall be the executive officer of the purchasing division and shall have the power and duty to:

4 (1) Purchase or contract for, in the name of the state, the commodities and printing required by the departments of the state government;

7 (2) Apply and enforce standard specifications established in accordance with section five of this article as hereinafter provided;

10 (3) Transfer to or between departments or sell commodities that are surplus, obsolete or unused as hereinafter provided;
(4) Have charge of central storerooms for the supply of departments;
(5) Establish and maintain a laboratory for the testing of commodities and make use of existing facilities in state institutions for that purpose as hereinafter provided;
(6) Direct the state agency for surplus property as provided in sections forty-four and forty-five of this article;
(7) Recommend to the commissioner that the right and privilege of a person to bid on state purchases be suspended when the director has evidence that such person has violated any of the provisions of the purchasing law or the rules and regulations of the director;
(8) Examine the provisions and terms of every contract entered into for and on behalf of the state of West Virginia that impose any obligation upon the state to pay any sums of money or perform any particular service or do any act or deed and approve each such contract as to such provisions and terms; and the duty of examination and approval herein set forth does not supersede the responsibility and duty of the attorney general to approve such contracts as to form: Provided, that the provisions of this subdivision do not apply in any respect whatever to construction or repair contracts entered into by the state commissioner of highways; and
(9) Assure that the specifications and product descriptions in all "requests for quotations" are prepared so as to permit all potential suppliers-vendors who can meet the requirements of the state an opportunity to bid. If a state department or agency other than the purchasing division prepared the specifications or descriptions, the director of the purchasing division shall review such specifications and descriptions before soliciting bids to assure that the specifications and descriptions do not favor a particular brand of product or vendor. If he determines that any such specifications or descriptions as written favor a particular brand of product or vendor or if it is decided, either before or after the bids are opened, that a product having different specifications or
quality or in different quantity will be bought, the director shall rewrite the "requests for quotations" and the matter shall be rebid.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence L. Chestnut
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

James E. Webb
Clerk of the Senate

W.T. Ballentine
Clerk of the House of Delegates

Jack M. Markham
President of the Senate

Charles H. Steeg, Jr.
Speaker House of Delegates

The within ________ approved this the 24th day of ________, 1980.

John N. Dyer
Governor