

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-24-80

Time 4:00 p.m.

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980



ENROLLED

SENATE BILL NO. 345

(By Mr. Bratherton, Mr. President, & Members)



PASSED March 8, 1980

In Effect ninety days from Passage



No: 345

ENROLLED

Senate Bill No. 345

(By MR. BROTHERTON, MR. PRESIDENT, and MR. JONES)

[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
- 2 commissioner, shall be the executive officer of the pur-
- 3 chasing division and shall have the power and duty to:
- 4 (1) Purchase or contract for, in the name of the state,
- 5 the commodities and printing required by the depart-
- 6 ments of the state government;
- 7 (2) Apply and enforce standard specifications estab-
- 8 lished in accordance with section five of this article as
- 9 hereinafter provided;
- 10 (3) Transfer to or between departments or sell com-
- 11 modities that are surplus, obsolete or unused as herein-
- 12 after provided;

13 (4) Have charge of central storerooms for the supply
14 of departments;

15 (5) Establish and maintain a laboratory for the test-
16 ing of commodities and make use of existing facilities
17 in state institutions for that purpose as hereinafter
18 provided;

19 (6) Direct the state agency for surplus property as
20 provided in sections forty-four and forty-five of this
21 article;

22 (7) Recommend to the commissioner that the right
23 and privilege of a person to bid on state purchases be
24 suspended when the director has evidence that such
25 person has violated any of the provisions of the purchas-
26 ing law or the rules and regulations of the director;

27 (8) Examine the provisions and terms of every con-
28 tract entered into for and on behalf of the state of
29 West Virginia that impose any obligation upon the state
30 to pay any sums of money or perform any particular
31 service or do any act or deed and approve each such
32 contract as to such provisions and terms; and the duty
33 of examination and approval herein set forth does not
34 supersede the responsibility and duty of the attorney
35 general to approve such contracts as to form: *Provided*,
36 That the provisions of this subdivision do not apply in
37 any respect whatever to construction or repair contracts
38 entered into by the state commissioner of highways; and

39 (9) Assure that the specifications and product descrip-
40 tions in all "requests for quotations" are prepared so as
41 to permit all potential suppliers-vendors who can meet
42 the requirements of the state an opportunity to bid. If
43 a state department or agency other than the purchasing
44 division prepared the specifications or descriptions, the
45 director of the purchasing division shall review such
46 specifications and descriptions before soliciting bids to
47 assure that the specifications and descriptions do not
48 favor a particular brand of product or vendor. If he
49 determines that any such specifications or descriptions
50 as written favor a particular brand of product or vendor
51 or if it is decided, either before or after the bids are
52 opened, that a product having different specifications or

53 quality or in different quantity will be bought, the direc-
54 tor shall rewrite the "requests for quotations" and the
55 matter shall be rebid.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James R. Davis
Chairman Senate Committee

Blaine C. Chestnut Jr.
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Fred C. Mills
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. T. Brockett Jr.
President of the Senate

Clyde N. Lee Jr.
Speaker House of Delegates

The within *is approved* this the *24*
day of *March*, 1980.

John N. R. [Signature]
Governor



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