APPROVED MAD JUNED BY THE GOVERNOR

Date 3-24-80

Time <u>4:00 g.m.</u>

## WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1980

# ENROLLED

# SENATE BILL NO. 345

(By Mr. Brothuton, Ma. Prisilent, M. Jones

PASSED Murch S. 1980 In Effect Mingty clays from Passage

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## 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 depart6 ments of the state government;

7 (2) Apply and enforce standard specifications estab8 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 test16 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;

(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;

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 to permit all potential suppliers-vendors who can meet 41 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 or if it is decided, either before or after the bids are 51 52 opened, that a product having different specifications or 53 quality or in different quantity will be bought, the direc-

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54 tor shall rewrite the "requests for quotations" and the

55 matter shall be rebid.

Enr. S. B. No. 345]

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

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

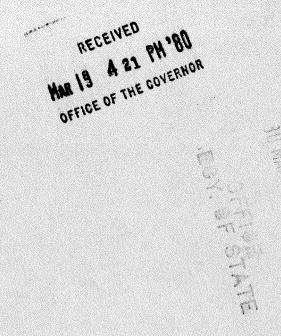
To take effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates Presi he on elegates Speaker House of

24 this the The within Mo day of ....., 1980. Governo 

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10 MAP 25 P3: 36

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