

No. 1037

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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

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ENROLLED

Com. Sub. for
HOUSE BILL No. *1037*

(By ~~Mr.~~ *Del. Kidd & Del. Shankoltz*)

— ● —

Passed *March 10,* 1984

In Effect *July 1, 1984* ~~Passage~~



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1037

(By DELEGATE KIDD and DELEGATE SHANHOLTZ)

[Passed March 10, 1984; in effect July 1, 1984.]

AN ACT to amend and reenact section one, article one, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section twelve, article three of said chapter five-a, relating to nonprofit workshops and purchase of products of such workshops by the state, employment of persons to identify, evaluate, coordinate and make contracts for such products.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. DEPARTMENT OF FINANCE AND ADMINISTRATION.

§5A-1-1. Definitions.

- 1 For the purpose of this chapter:
- 2 "Commissioner" means the commissioner of finance and
- 3 administration and, as used in article two of this chapter, the
- 4 director of the budget.

5 "Director" means the director of the division referred to in
6 the heading of the article in which the word appears.

7 "Spending unit" means a department, agency or institution
8 of the state government for which an appropriation is request-
9 ed, or to which an appropriation is made by the Legislature.

10 "Spending officer" means the executive head of a spending
11 unit, or a person designated by him.

12 "Commodities" means supplies, material, equipment, con-
13 tractual services, and any other articles or things used by or
14 furnished to a department, agency or institution of the state
15 government.

16 "Contractual services" shall include telephone, telegraph,
17 electric light and power, water and similar services.

18 "Printing" means printing, binding, ruling, lithographing,
19 engraving and other similar services.

20 "Expendable commodities" means those commodities which,
21 when used in the ordinary course of business, will become
22 consumed or of no market value within the period of one year
23 or less.

24 "Removable property" means any personal property not
25 permanently affixed to or forming a part of real estate.

26 "Nonprofit workshops" means an establishment (a) where
27 any manufacture or handiwork is carried on, and (b) which
28 is operated either by a public agency or by a cooperative or
29 by a nonprofit private corporation or nonprofit association,
30 in which no part of the net earnings thereof inures, or may
31 lawfully inure, to the benefit of any private shareholder or
32 individual, and (c) which is operated for the primary purpose
33 of providing remunerative employment to blind or severely
34 disabled persons who cannot be absorbed into the competitive
35 labor market, and (d) which shall be approved, as evidenced
36 by a certificate of approval, by the state board of vocational
37 education, division of vocational rehabilitation.

OK
E.V.
S.K.

ARTICLE 3. PURCHASING DIVISION.**§5A-3-12. Publication of solicitations for sealed bids; purchase of products of nonprofit workshops.**

1 The director shall solicit sealed bids for the purchase of
2 commodities and printing which is estimated to exceed five
3 thousand dollars. No spending unit shall issue a series of requi-
4 sitions which would circumvent this five thousand dollar
5 maximum. Bids shall be obtained by public notice published
6 as a Class II legal advertisement in compliance with the pro-
7 visions of article three, chapter fifty-nine of this code, and the
8 publication area for such publication shall be the county
9 where the department or agency making the requisition is
10 located. Such notice shall be so published within the four-
11 teen days next preceding the final date of submitting bids. The
12 notice may also be published by any other advertising medium
13 the director may deem advisable. The director may also solicit
14 sealed bids by sending requests by mail to prospective suppliers
15 and by posting notice on a bulletin board in his office: *Pro-*
16 *vided*, That the director shall, without competitive bidding,
17 purchase commodities and printing produced and offered for
18 sale by nonprofit workshops, as defined in section one, article
19 one of this chapter, which are located in this state: *Provided*,
20 *however*, That such commodities and printing shall be of a
21 price and quality comparable to other commodities and
22 printing otherwise available.

23 Toward the end of effecting the making of contracts for
24 commodities and printing of nonprofit workshops, the director
25 shall employ a person whose primary responsibility shall be
26 to identify all commodities and printing available for purchase
27 from such nonprofit workshops, to evaluate the need of the
28 state for such commodities and printing to coordinate the
29 various nonprofit workshops in their production efforts and
30 to make available to such workshops information about avail-
31 able opportunities within state government for purchase of
32 commodities or printing which might be produced and sold
33 by such workshops. Funds to employ such a person shall be
34 included annually in the budget.

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

James E. Elder
Chairman Senate Committee

Donald Anello
Chairman House Committee

Originating in the House.

Takes effect July 1, 1984.

Judd C. Wells
Clerk of the Senate

Donald L. Hoop
Clerk of the House of Delegates

Walter W. Brown
President of the Senate

W. M. Lee, Jr.
Speaker House of Delegates

The within *is signed* this the *30*
day of *March*, 1984.

John J. Poyner
Governor

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