WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

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ENROLLED

Conv. Sub. for
HOUSE BILL No. 1037

(By Dr. Kidd & Del. Shankoltz)

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

"Spending unit" means a department, agency or institution of the state government for which an appropriation is requested, or to which an appropriation is made by the Legislature.

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

"Commodities" means supplies, material, equipment, contractual services, and any other articles or things used by or furnished to a department, agency or institution of the state government.

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

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

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

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

"Nonprofit workshops" means an establishment (a) where any manufacture or handiwork is carried on, and (b) which is operated either by a public agency or by a cooperative or by a nonprofit private corporation or nonprofit association, in which no part of the net earnings thereof inures, or may lawfully inure, to the benefit of any private shareholder or individual, and (c) which is operated for the primary purpose of providing remunerative employment to blind or severely disabled persons who cannot be absorbed into the competitive labor market, and (d) which shall be approved, as evidenced by a certificate of approval, by the state board of vocational education, division of vocational rehabilitation.
ARTICLE 3. PURCHASING DIVISION.

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

The director shall solicit sealed bids for the purchase of commodities and printing which is estimated to exceed five thousand dollars. No spending unit shall issue a series of requisitions which would circumvent this five thousand dollar maximum. Bids shall be obtained by public notice published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county where the department or agency making the requisition is located. Such notice shall be so published within the fourteen days next preceding the final date of submitting bids. The notice may also be published by any other advertising medium the director may deem advisable. The director may also solicit sealed bids by sending requests by mail to prospective suppliers and by posting notice on a bulletin board in his office: Provided, That the director shall, without competitive bidding, purchase commodities and printing produced and offered for sale by nonprofit workshops, as defined in section one, article one of this chapter, which are located in this state: Provided, however, That such commodities and printing shall be of a price and quality comparable to other commodities and printing otherwise available.

Toward the end of effecting the making of contracts for commodities and printing of nonprofit workshops, the director shall employ a person whose primary responsibility shall be to identify all commodities and printing available for purchase from such nonprofit workshops, to evaluate the need of the state for such commodities and printing to coordinate the various nonprofit workshops in their production efforts and to make available to such workshops information about available opportunities within state government for purchase of commodities or printing which might be produced and sold by such workshops. Funds to employ such a person shall be included annually in the budget.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect July 1, 1984.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within ................................ in accordance with this the 30th day of ................................., 1984.

[Signature]
Governor