

No. 2761

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



ENROLLED

HOUSE BILL No. 2761

(By Delegates M. HARMAN + R. HARMAN)



Passed MARCH 14, 1987

In Effect NINETY DAYS FROM Passage

ENROLLED
H. B. 2761

(By DELEGATES M. HARMAN and R. HARMAN)

[Passed March 14, 1987; in effect ninety days from passage.]

AN ACT to amend article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section forty-five, relating to the uniform vendors reciprocity act; preference in awarding bids in the purchase of commodities or printing.

Be it enacted by the Legislature of West Virginia:

That article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section forty-five, to read as follows:

ARTICLE 3. PURCHASING DIVISION.

§5A-3-45. Reciprocal preference in letting contracts for public work.

- 1 (a) This section may be cited as the "Uniform Vendors
2 Reciprocity Act."
- 3 (b) Other provisions of this article notwithstanding, in
4 any instance that a purchase of commodities or printing
5 by the director or by a state department is required
6 under the provisions of this article to be made upon
7 competitive bids:
- 8 (1) Preference for the same type of work shall be
9 given to vendors resident in the state of West Virginia
10 over vendors resident in a state that provides for a

11 preference in favor of vendors resident in that state over
12 vendors resident in the state of West Virginia; and

13 (2) Vendors resident in the state of West Virginia are
14 to be granted the same preference over vendors resident
15 in another state in the same manner, on the same basis
16 and to the same extent that preference is granted in
17 awarding bids for the same type of work by such other
18 state to vendors resident therein over vendors resident
19 in the state of West Virginia.

20 (c) If one party to a joint venture is qualified under
21 this section as a vendor resident in West Virginia, this
22 qualification shall extend to all parties to the joint
23 venture but shall not extend to subcontractors.

24 (d) For the purpose of this section, a vendor shall be
25 deemed to be vendor resident in West Virginia if such
26 vendor would qualify as a resident vendor under the
27 provisions of section forty-four of this article.

28 (e) If any provision or clause of this section or
29 application thereof to any person or circumstance is in
30 conflict with the provisions of section forty-four of this
31 article, such conflict shall be resolved in such a manner
32 as to implement the provisions of this section.

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

Gene A. Wilson

Chairman Senate Committee

Lyle Settle

Chairman House Committee
Member

Originating in the House.

Takes effect ninety days from passage.

Todd C. Willis

Clerk of the Senate

Donald J. Stapp

Clerk of the House of Delegates

Sam Tomlinson

President of the Senate

W. H. Clark

Speaker of the House of Delegates

The within *approved* this the *31st*
March
day of _____, 1987.

Arthur R. Shaffer, Jr.

Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/87

Time 4:54 p.m.

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