WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1999

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2730

(By Delegates Staton, Michael, Douglas, Varner and Beane)

Passed March 13, 1999

In Effect July 1, 1999
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 ten-a; and to amend and reenact section twenty-two of said article, all relating to awarding state agency and legislative contracts; providing that no contract may be awarded or renewed where a vendor has a delinquency regarding any state debts; setting forth definitions; setting forth exceptions; and requiring self-reporting affidavit.

Be it enacted by the Legislature of the State 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 thereto a new section, designated section ten-a; and that section twenty-two of said article be amended and reenacted, all to read as follows:

ARTICLE 3. PURCHASING DIVISION.

§5A-3-10a. Prohibition for awarding contracts to vendors which owe a debt to the state.
(a) Unless the context clearly requires a different meaning, for the purposes of this section the terms:

(1) "Debt" means any assessment, penalty, fine, tax or other amount of money owed to the state because of a judgement, fine, permit violation, license assessment, penalty or other assessment presently due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon;

(2) "Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions;

(3) "Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor, so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceeds five percent of the total contract amount.

(b) No contract or renewal of any contract may be awarded under this article to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vender is a debtor as defined in this section and the debt owed is an amount greater than five thousand dollars in the aggregate.

(c) The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment, and the matter has not become final, or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

(d) All bids submitted under this article shall include an affidavit that the bidder and all related parties do not owe any
debts or, if a debt is owed, that the provisions of subsection (c) of this section apply.

§5A-3-22. Legislative printing.

Notwithstanding any other provision of this article, the letting of all contracts for legislative printing shall be subject only to the provisions of this section.

Upon request of the Legislature, or either house thereof, all contracts for legislative printing shall be let on competitive bids by the director to the lowest responsible bidder. No vendor, or prospective vendor, may be deemed eligible for any contract under this section if the vendor owes a debt to the state as provided for in section ten-a of this article. Each such contract shall be subject to the approval of the governor, and in case of his disapproval the contract shall be relet on competitive bids submitted in the same manner as the original bids on the contract that was disapproved. Each bid on every such contract shall be within the maximum limits that may be fixed from time to time by concurrent resolution of the Legislature. The clerk of the Senate and the clerk of the House of Delegates shall have exclusive control of all printing authorized by their respective legislative bodies, and shall approve the specifications included in any contract before an invitation for bids is released by the director of purchasing. Before presenting for payment any bill for such legislative printing, the printer shall have the same approved by the purchasing division as correct and according to contract specifications. A copy of all bills for legislative printing shall be furnished the clerk of the house for which such printing was done. When properly approved bills are presented to the clerk of the Senate, or to the clerk of the House of Delegates, he shall draw his requisition upon the auditor in the amount of the bill, payable from the legislative printing fund, and the auditor shall honor the requisition and issue to the printer a state draft therefor.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect July 1, 1999.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 15th day of April, 1999.

Governor