WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 651
(Senator Kessler, original sponsor)

[Passed March 11, 2010; in effect ninety days from passage.]
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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-37b, relating to preference for certain current permit holders.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §5A-3-37b, to read as follows:

ARTICLE 3. PURCHASING DIVISION.

§5A-3-37b. Preference for certain current permit holders.

1 (a) In addition to any other preference afforded in this code, a person holding a permit under a state owned and operated program to acquire and operate equipment on behalf of the state by competitive bid on a regular ten year basis, where a copy of the bid is to be filed with the Director of Purchasing as well as with the appropriate
agency, may obtain the particular permit in lieu of a
person not currently holding such a permit at the time of
a bid by matching the bid price submitted by the person
not then holding the permit and adding ten percent to that
price, and the particular permit shall then be awarded to
the person already holding a permit under the program,
such that the permit shall not be awarded to the new
bidder. If more than one current permit holder wishes to
exercise the preference under this section, the bid shall be
awarded by lot to a current permit holder, except that
where a person holding a permit for equipment under the
program has a contract to lease such equipment which is
in effect at the time of a bid, and the new bidder with
whom he or she has the contract also submits a bid, only
the current permit holder with the contract may exercise
the preference under this section with respect to that new
bidder.

(b) Any current permit holder wishing to have the
opportunity to match a particular bid pursuant to subsec-
tion (a) of this section must:

(1) Have made a bid for a permit;

(2) Inform the agency in writing within five business
days of receipt of the official notice of the bids received by
the opening that he or she will match a particular bid;

And,

(3) Make payment in full to the agency of the amount of
the bid to be matched plus the required ten percent within
thirty days of receipt of the official notice of the bids
received.
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.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 23rd Day of March, 2010.

Governor