

SB 651 (veto)

FILED

2010 MAR 25 PM 3:40

WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

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
2 code, a person holding a permit under a state owned and
3 operated program to acquire and operate equipment on
4 behalf of the state by competitive bid on a regular ten year
5 basis, where a copy of the bid is to be filed with the
6 Director of Purchasing as well as with the appropriate

7 agency, may obtain the particular permit in lieu of a
8 person not currently holding such a permit at the time of
9 a bid by matching the bid price submitted by the person
10 not then holding the permit and adding ten percent to that
11 price, and the particular permit shall then be awarded to
12 the person already holding a permit under the program,
13 such that the permit shall not be awarded to the new
14 bidder. If more than one current permit holder wishes to
15 exercise the preference under this section, the bid shall be
16 awarded by lot to a current permit holder, except that
17 where a person holding a permit for equipment under the
18 program has a contract to lease such equipment which is
19 in effect at the time of a bid, and the new bidder with
20 whom he or she has the contract also submits a bid, only
21 the current permit holder with the contract may exercise
22 the preference under this section with respect to that new
23 bidder.

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

27 (1) Have made a bid for a permit;

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

31 And,

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

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

[Handwritten Signature]

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Chairman Senate Committee

[Handwritten Signature]

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten Signature]

.....
Clerk of the Senate

[Handwritten Signature]

.....
Clerk of the House of Delegates

[Handwritten Signature]

.....
President of the Senate

[Handwritten Signature]

.....
Speaker House of Delegates

The within is approved..... this the 25th

Day of March....., 2010.

[Handwritten Signature]

.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 19 2010

Time 4:00 pm