

COMMITTEE SUBSTITUTE  
FOR

COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 455**

(By Senators Prezioso, Carmichael, D. Hall,  
Kessler, Leonhardt, Plymale, Walters,  
Williams, Palumbo and Stollings)

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[Originating in the Committee on Finance;  
reported February 26, 2015.]

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A BILL to amend and reenact §12-3A-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-5-4, §18B-5-6 and §18B-5-7 of said code; and to amend said code by adding thereto a new section, designated §18B-5-4a, all relating to public higher education procurement and payment generally; receipting of electronic commerce purchases; purchase or acquisition

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of materials, supplies, equipment, services and printing at institutions of higher education; construction projects at Marshall University and West Virginia University; design-build procurement at institutions of higher education; and disposition of obsolete and unusable equipment, surplus supplies and other needed materials at institutions of higher education.

*Be it enacted by the Legislature of West Virginia:*

That §12-3A-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §18B-5-4, §18B-5-6 and §18B-5-7 of said code be amended and reenacted; and that said code be amended by adding thereto a new section, designated §18B-5-4a, all to read as follows:

**CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

**ARTICLE 3A. FINANCIAL ELECTRONIC COMMERCE.**

**§12-3A-6. Receipting of electronic commerce purchases.**

1           (a) The State Treasurer may establish a system for  
2 acceptance of credit card and other payment methods for

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1 electronic commerce purchases from spending units.  
2 Notwithstanding any other provision of this code to the contrary,  
3 each spending unit utilizing WEB commerce, electronic  
4 commerce or other method that offers products or services for  
5 sale shall utilize the State Treasurer's system for acceptance of  
6 payments except as provided in subsection (b) of this section.

7 (b)(1) Institutions of higher education may receive credit  
8 card payments from systems of acceptance other than that  
9 provided by the State Treasurer if:

10 (A) The proposed alternate system is compliant with the  
11 Payment Card Industry Data Security Standards for acceptance  
12 of payments; and

13 (B) The institution is proposing to use the alternate  
14 system: (i) Solely to process the payment of academic  
15 transcripts; or (ii) solely to accept payment for applications for  
16 admission if necessary to participate in a national or regional  
17 program for applications for admission.

18 (2) In addition to the provisions of subdivision (1) of this

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1 subsection, institutions of higher education may receive credit  
2 card payments from a system of acceptance other than that  
3 provided by the State Treasurer if the institution certifies that the  
4 use of the alternate system will not cause a reduction in the  
5 volume of credit card revenues by more than ten percent as  
6 compared to previous credit card revenues processed on behalf  
7 of the institution during the previous fiscal year and the State  
8 Treasurer consents to the use.

9           ~~(b)~~ (c) To facilitate electronic commerce, the State  
10 Treasurer may charge a spending unit for the banking and other  
11 expenses incurred by the Treasurer on behalf of the spending  
12 unit and for any work performed, including, without limitation,  
13 assisting in the development of a website and utilization of the  
14 Treasurer's payment gateway. A special revenue account,  
15 entitled the Treasurer's Financial Electronic Commerce Fund, is  
16 created in the State Treasury to receive the amounts charged by  
17 the Treasurer. The Treasurer may expend the funds received in  
18 the Treasurer's Financial Electronic Commerce Fund only for the

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1 purposes of this article and for other purposes as determined by  
2 the Legislature.

3       ~~(c)~~ (d) The State Treasurer may authorize a spending unit  
4 to assess and collect a fee to recover or pay the cost of accepting  
5 bank, charge, check, credit or debit cards from amounts  
6 collected.

7       ~~(d)~~ (e) Upon written request from a political subdivision,  
8 the State Treasurer may provide services of his or her office to  
9 a political subdivision and charge for the services.

10       ~~(e)~~ (f) The State Treasurer shall propose legislative rules  
11 for promulgation in accordance with the provisions of article  
12 three, chapter twenty-nine-a of this code to implement the  
13 provisions of this section.

14               **CHAPTER 18B. HIGHER EDUCATION.**

15               **ARTICLE 5. HIGHER EDUCATION BUDGETS AND**  
16               **EXPENDITURES.**

17               **§18B-5-4. Purchase or acquisition of materials, supplies,**  
18               **equipment, services and printing.**

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1           (a) The council, commission and each governing board  
2 shall purchase or acquire all materials, supplies, equipment,  
3 services and printing required for that governing board or the  
4 council or commission, as appropriate, and the state institutions  
5 of higher education under their jurisdiction, except the governing  
6 boards of Marshall University and West Virginia University,  
7 respectively, are subject to subsection (d) of this section.

8           (b) The commission and council jointly shall adopt rules  
9 governing and controlling acquisitions and purchases in  
10 accordance with this section. The rules shall ensure that the  
11 following procedures are followed:

12           (1) No person is precluded from participating and making  
13 sales thereof to the council, commission or governing board  
14 except as otherwise provided in section five of this article.  
15 Providing consulting services such as strategic planning services  
16 does not preclude or inhibit the governing boards, council or  
17 commission from considering a qualified bid or response for  
18 delivery of a product or a commodity from the individual

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1 providing the services;

2 (2) Specifications are established and prescribed for  
3 materials, supplies, equipment, services and printing to be  
4 purchased;

5 (3) Purchase order, requisition or other forms as may be  
6 required are adopted and prescribed;

7 (4) Purchases and acquisitions in such quantities, at such  
8 times and under contract, are negotiated for and made in the  
9 open market or through other accepted methods of governmental  
10 purchasing as may be practicable in accordance with general  
11 law;

12 (5) Bids are advertised on all purchases exceeding  
13 ~~\$25,000~~ \$50,000 and made by means of sealed or electronically-  
14 submitted bids and competitive bidding or advantageous  
15 purchases effected through other accepted governmental  
16 methods and practices. Competitive bids are not required for  
17 purchases of ~~\$25,000~~ \$50,000 or less.

18 (6) Notices for acquisitions and purchases for which

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1 competitive bids are being solicited are posted either in the  
2 purchasing office of the specified institution involved in the  
3 purchase or by electronic means available to the public, at least  
4 ~~two weeks~~ five days prior to making the purchases. The rules  
5 shall ensure that the notice is available to the public during  
6 business hours;

7 (7) Purchases are made in the open market;

8 (8) Vendors are notified of bid solicitation and  
9 emergency purchasing; and

10 (9) No fewer than three bids are obtained when bidding  
11 is required, except if fewer than three bids are submitted, an  
12 award may be made from among those received.

13 (c) When a state institution of higher education submits  
14 a contract, agreement or other document to the Attorney General  
15 for approval as to form as required by this chapter the following  
16 conditions apply:

17 (1) "Form" means compliance with the Constitution and  
18 statutes of the State of West Virginia;

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1           (2) The Attorney General does not have the authority to  
2 reject a contract, agreement or other document based on the  
3 substantive provisions in the contract, agreement or document or  
4 any extrinsic matter as long as it complies with the Constitution  
5 and statutes of this state;

6           (3) Within fifteen days of receipt, the Attorney General  
7 shall notify the appropriate state institution of higher education  
8 in writing that the contract, agreement or other document is  
9 approved or disapproved as to form. If the contract, agreement  
10 or other document is disapproved as to form, the notice of  
11 disapproval shall identify each defect that supports the  
12 disapproval; and

13           (4) If the state institution elects to challenge the  
14 disapproval by filing a writ of mandamus or other action and  
15 prevails, then the Attorney General shall pay reasonable attorney  
16 fees and costs incurred.

17           (d) Pursuant to this subsection, the governing boards of  
18 Marshall University and West Virginia University, respectively,

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1 may carry out the following actions:

2           (1) Purchase or acquire all materials, supplies,  
3 equipment, services and printing required for the governing  
4 board without approval from the commission or the Vice  
5 Chancellor for Administration and may issue checks in advance  
6 to cover postage as provided in subsection (f) of this section;

7           (2) Make purchases from cooperative buying groups,  
8 consortia, the federal government or from federal government  
9 contracts if the materials, supplies, services, equipment or  
10 printing to be purchased is available from these groups and if  
11 this would be the most financially advantageous manner of  
12 making the purchase;

13           (3) Select and acquire by contract or lease all grounds,  
14 buildings, office space or other space, and capital improvements,  
15 including equipment, if the rental is necessarily required by the  
16 governing board; and

17           (4) Use purchase cards under terms approved for the  
18 commission, the council and governing boards of state

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1 institutions of higher education and participate in any expanded  
2 program of use as provided in subsection (u) of this section.

3 (e) The governing boards shall adopt sufficient  
4 accounting and auditing procedures and promulgate and adopt  
5 appropriate rules subject to section six, article one of this chapter  
6 to govern and control acquisitions, purchases, leases and other  
7 instruments for grounds, buildings, office or other space, and  
8 capital improvements, including equipment, or lease-purchase  
9 agreements.

10 (f) The council, commission or each governing board  
11 may issue a check in advance to a company supplying postage  
12 meters for postage used by that board, the council or commission  
13 and by the state institutions of higher education under their  
14 jurisdiction.

15 (g) When a purchase is to be made by bid, any or all bids  
16 may be rejected. However, all purchases based on advertised bid  
17 requests shall be awarded to the lowest responsible bidder taking  
18 into consideration the qualities of the articles to be supplied,

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1 their conformity with specifications, their suitability to the  
2 requirements of the governing boards, council or commission  
3 and delivery terms. The preference for resident vendors as  
4 provided in section thirty-seven, article three, chapter five-a of  
5 this code applies to the competitive bids made pursuant to this  
6 section.

7 (h) The governing boards, council and commission shall  
8 maintain a purchase file, which shall be a public record and open  
9 for public inspection.

10 (1) After the award of the order or contract, the  
11 governing boards, council and commission shall indicate upon  
12 the successful bid the following information:

13 (A) Designation as the successful bid;

14 (B) The reason any bids were rejected; and

15 (C) The reason for rejection, if the mathematical low  
16 vendor was not awarded the order or contract.

17 (2) A record in the purchase file may not be destroyed  
18 without the written consent of the Legislative Auditor. Those

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1 files in which the original documentation has been held for at  
2 least one year and in which the original documents have been  
3 reproduced and archived on microfilm or other equivalent  
4 method of duplication may be destroyed without the written  
5 consent of the Legislative Auditor.

6 (3) All files, no matter the storage method, shall be open  
7 for inspection by the Legislative Auditor upon request.

8 (i) The commission and council, also jointly, shall  
9 promulgate rules to prescribe qualifications to be met by any  
10 person who is to be employed as a buyer pursuant to this section.  
11 These rules shall require that a person may not be employed as  
12 a buyer unless that person, at the time of employment, has one  
13 of the following qualifications:

14 (1) Is a graduate of an accredited college or university;  
15 or

16 (2) Has at least four years' experience in purchasing for  
17 any unit of government or for any business, commercial or  
18 industrial enterprise.

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1           (j) Any person making purchases and acquisitions  
2 pursuant to this section shall execute a bond in the penalty of  
3 \$50,000, payable to the State of West Virginia, with a corporate  
4 bonding or surety company authorized to do business in this  
5 state as surety thereon, in form prescribed by the Attorney  
6 General and conditioned upon the faithful performance of all  
7 duties in accordance with this section and sections five through  
8 eight, inclusive, of this article and the rules of the governing  
9 board and the council and commission. In lieu of separate bonds  
10 for these buyers, a blanket surety bond may be obtained. The  
11 bond shall be filed with the Secretary of State and the cost of the  
12 bond shall be paid from funds appropriated to the applicable  
13 governing board or the council or commission.

14           (k) All purchases and acquisitions shall be made in  
15 consideration and within limits of available appropriations and  
16 funds and in accordance with applicable provisions of article  
17 two, chapter five-a of this code relating to expenditure schedules  
18 and quarterly allotments of funds. Notwithstanding any other

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1 provision of this code to the contrary, only those purchases  
2 exceeding the dollar amount for competitive sealed bids in this  
3 section are required to be encumbered, and they may be entered  
4 into the state's centralized accounting system by the staff of the  
5 commission, council or governing boards to satisfy the  
6 requirements of article two, chapter five-a of this code to  
7 determine whether the amount of the purchase is within the  
8 quarterly allotment of the commission, council or governing  
9 board, is in accordance with the approved expenditure schedule  
10 and otherwise conforms to the article: Provided, That,  
11 notwithstanding the foregoing or any other provision of this code  
12 to the contrary, no purchases by Marshall University or West  
13 Virginia University are required to be encumbered.

14 (l) The governing boards, council and commission may  
15 make requisitions upon the State Auditor for a sum to be known  
16 as an advance allowance account, not to exceed five percent of  
17 the total of the appropriations for the governing board, council  
18 or commission, and the State Auditor shall draw a warrant upon

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1 the Treasurer for those accounts. All advance allowance  
2 accounts shall be accounted for by the applicable governing  
3 board or the council or commission once every thirty days or  
4 more often if required by the State Auditor.

5 (m) Contracts entered into pursuant to this section shall  
6 be signed by the applicable governing board or the council or  
7 commission in the name of the state and shall be approved as to  
8 form by the Attorney General. A contract which requires  
9 approval as to form by the Attorney General is considered  
10 approved if the Attorney General has not responded within  
11 fifteen days of presentation of the contract. A contract or a  
12 change order for that contract and notwithstanding any other  
13 provision of this code to the contrary, associated documents such  
14 as performance and labor/material payments, bonds and  
15 certificates of insurance which use terms and conditions or  
16 standardized forms previously approved by the Attorney General  
17 and do not make substantive changes in the terms and conditions

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1 of the contract do not require approval as to form by the  
2 Attorney General. The Attorney General shall make a list of  
3 those changes which he or she considers to be substantive and  
4 the list, and any changes to the list, shall be published in the  
5 State Register. A contract that exceeds the dollar amount  
6 requiring competitive sealed bids in this section shall be filed  
7 with the State Auditor. If requested to do so, the governing  
8 boards, council or commission shall make all contracts available  
9 for inspection by the State Auditor. The governing board,  
10 council or commission, as appropriate, shall prescribe the  
11 amount of deposit or bond to be submitted with a bid or contract,  
12 if any, and the amount of deposit or bond to be given for the  
13 faithful performance of a contract.

14       (n) If the governing board, council or commission  
15 purchases or contracts for materials, supplies, equipment,  
16 services and printing contrary to sections four through seven of  
17 this article or the rules pursuant to this article, the purchase or

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1 contract is void and of no effect.

2 (o) A governing board or the council or commission, as  
3 appropriate, may request the director of purchasing to make  
4 available the facilities and services of that department to the  
5 governing boards, council or commission in the purchase and  
6 acquisition of materials, supplies, equipment, services and  
7 printing. The director of purchasing shall cooperate with that  
8 governing board, council or commission, as appropriate, in all  
9 such purchases and acquisitions upon that request.

10 (p) Each governing board or the council or commission,  
11 as appropriate, may permit private institutions of higher  
12 education to join as purchasers on purchase contracts for  
13 materials, supplies, services and equipment entered into by that  
14 governing board or the council or commission. A private  
15 institution desiring to join as purchaser on purchase contracts  
16 shall file with that governing board or the council or  
17 commission, as appropriate, an affidavit signed by the president

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1 or designee of the private institution requesting that it be  
2 authorized to join as purchaser on purchase contracts of that  
3 governing board or the council or commission, as appropriate.  
4 The private institution shall agree that it is bound by such terms  
5 and conditions as that governing board or the council or  
6 commission may prescribe and that it will be responsible for  
7 payment directly to the vendor under each purchase contract.

8 (q) Notwithstanding any other provision of this code to  
9 the contrary, the governing boards, council and commission, as  
10 appropriate, may make purchases from cooperative buying  
11 groups, consortia, the federal government or from federal  
12 government contracts if the materials, supplies, services,  
13 equipment or printing to be purchased is available from that  
14 source, and purchasing from that source would be the most  
15 financially advantageous manner of making the purchase.

16 (r) An independent performance audit of all purchasing  
17 functions and duties which are performed at any state institution

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1 of higher education, except Marshall University and West  
2 Virginia University, shall be performed each fiscal year. The  
3 Joint Committee on Government and Finance shall conduct the  
4 performance audit and the governing boards, council and  
5 commission, as appropriate, are responsible for paying the cost  
6 of the audit from funds appropriated to the governing boards,  
7 council or commission.

8           (1) The governing boards of Marshall University and  
9 West Virginia University, respectively, shall provide for  
10 independent performance audits of all purchasing functions and  
11 duties on their campuses at least once in each three-year period.

12           (2) Each audit shall be inclusive of the entire time period  
13 that has elapsed since the date of the preceding audit.

14           (3) Copies of all appropriate documents relating to any  
15 audit performed by the governing boards of Marshall University  
16 and West Virginia University shall be furnished to the Joint  
17 Committee on Government and Finance and the Legislative

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1 Oversight Commission on Education Accountability within  
2 thirty days of the date the audit report is completed.

3       (s) The governing boards shall require each institution  
4 under their respective jurisdictions to notify and inform every  
5 vendor doing business with that institution of section fifty-four,  
6 article three, chapter five-a of this code, also known as the  
7 Prompt Pay Act of 1990.

8       (t) Consultant services, such as strategic planning  
9 services, do not preclude or inhibit the governing boards, council  
10 or commission from considering any qualified bid or response  
11 for delivery of a product or a commodity because of the  
12 rendering of those consultant services.

13       (u) Purchasing card use may be expanded by the council,  
14 commission and state institutions of higher education pursuant  
15 to this subsection.

16       (1) The council and commission jointly shall establish  
17 procedures to be implemented by the council, commission and

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1 any institution under their respective jurisdictions using  
2 purchasing cards. The procedures shall ensure that each meets  
3 the following conditions:

4 (A) Appropriate use of the purchasing card system;

5 (B) Full compliance with article three, chapter twelve of  
6 this code relating to the purchasing card program; and

7 (C) Sufficient accounting and auditing procedures for all  
8 purchasing card transactions.

9 (2) Notwithstanding any other provision of this code to  
10 the contrary, the council, commission and any institution  
11 authorized pursuant to subdivision (3) of this subsection may use  
12 purchasing cards for the following purposes:

13 (A) Payment of travel expenses directly related to the job  
14 duties of the traveling employee, including, but not limited to,  
15 fuel and food; and

16 (B) Payment of any routine, regularly scheduled  
17 payment, including, but not limited to, utility payments and real

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1 property rental fees.

2 (3) The commission and council each shall evaluate the  
3 capacity of each institution under its jurisdiction for complying  
4 with the procedures established pursuant to subdivision (2) of  
5 this subsection. The commission and council each shall authorize  
6 expanded use of purchasing cards pursuant to that subdivision  
7 for any institution it determines has the capacity to comply.

8 **§18B-5-4a. Construction projects at Marshall University**  
9 **and West Virginia University.**

10 Notwithstanding any other provision of the code to the  
11 contrary, including section one, article twenty-two, chapter five  
12 of this code, Marshall University and West Virginia University  
13 are not required to solicit competitive bids for any construction  
14 project or require a valid bid bond or other surety for a  
15 construction project unless the value exceeds \$100,000 in total  
16 cost.

17 **§18B-5-6. Other code provisions relating to purchasing and**

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1           **design-build procurement not controlling;**  
2           **exceptions; criminal provisions and penalties;**  
3           **financial interest of governing boards, etc.;**  
4           **receiving anything of value from interested**  
5           **party and penalties therefor; application of**  
6           **bribery statute.**

7           The provisions of article three, chapter five-a of this code  
8 and section five, article twenty-two-a, chapter five of this code  
9 do not control or govern design-build procurement or the  
10 purchase, acquisition or other disposition of any equipment,  
11 materials, supplies, services or printing by the commission or the  
12 governing boards, except as provided in sections four through  
13 seven of this article. Sections twenty-nine, thirty and thirty-one,  
14 article three, chapter five-a of this code apply to all purchasing  
15 activities of the commission and the governing boards.

16           Neither the commission, the governing boards, nor any  
17 employee of the commission or governing boards, may be

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1 financially interested, or have any beneficial personal interest,  
2 directly or indirectly, in the purchase of any equipment,  
3 materials, supplies, services or printing, nor in any firm,  
4 partnership, corporation or association furnishing them, except  
5 as may be authorized by the provisions of chapter six-b of this  
6 code. Neither the commission, the governing boards nor any  
7 employee of the commission or governing boards may accept or  
8 receive directly or indirectly from any person, firm or  
9 corporation, known by the commission, governing boards or  
10 such employee to be interested in any bid, contract or purchase,  
11 by rebate, gift or otherwise, any money or other thing of value  
12 whatsoever or any promise, obligation or contract for future  
13 reward or compensation, except as may be authorized by the  
14 provisions of chapter six-b of this code.

15         A person who violates any of the provisions of this  
16 section is guilty of a misdemeanor, and, upon conviction thereof,  
17 shall be imprisoned in jail not less than three months nor more

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1 than one year, or fined not less than \$50 nor more than \$1,000,  
2 or both imprisoned and fined, in the discretion of the court. Any  
3 person who violates any provisions of this section by receiving  
4 money or other thing of value under circumstances constituting  
5 the crime of bribery under the provisions of section three, article  
6 five-a, chapter sixty-one of this code shall, upon conviction of  
7 bribery, be punished as provided in section nine of said article.

8 **§18B-5-7. Disposition of obsolete and unusable equipment,**  
9 **surplus supplies and other unneeded**  
10 **materials.**

11 (a) The commission, the council and the governing  
12 boards shall dispose of obsolete and unusable equipment, surplus  
13 supplies and other unneeded materials, either by transfer to other  
14 governmental agencies or institutions, by exchange or trade, or  
15 by sale as junk or otherwise. The commission, the council and  
16 each governing board shall adopt rules governing and controlling  
17 the disposition of all such equipment, supplies and materials and

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1 those rules must provide for disposition of the equipment,  
2 supplies and materials as sound business practices may warrant  
3 under existing circumstances and conditions and adequate prior  
4 notice of the disposition to the public.

5       ~~(1) At least ten days prior to the disposition, the~~  
6 ~~Commission, the Council or the governing boards, as applicable,~~  
7 ~~shall advertise, by newspaper publication as a Class II legal~~  
8 ~~advertisement in compliance with the provisions of article three,~~  
9 ~~chapter fifty-nine of this code, in the county in which the~~  
10 ~~equipment, supplies and materials are located, the availability or~~  
11 ~~sales of such disposable equipment, supplies and materials.~~

12       ~~(2) The Commission, the Council or governing boards,~~  
13 ~~as applicable, may sell the disposable equipment, supplies and~~  
14 ~~materials, in whole or in part, at public auction or by sealed bid,~~  
15 ~~or may transfer, exchange or trade the same to other~~  
16 ~~governmental agencies or institutions (if by transfer, exchange~~  
17 ~~or trade, then without advertising), in whole or in part, as sound~~

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1 business practices may warrant under existing circumstances and  
2 conditions.

3       ~~(3) The requirements set forth in subsection (a) of this~~  
4 ~~section apply to Marshall University and West Virginia~~  
5 ~~University relating only to those items of obsolete and unusable~~  
6 ~~equipment, surplus supplies and other unneeded materials that~~  
7 ~~exceed five thousand dollars in recorded net book value.~~  
8 ~~Marshall University and West Virginia University may dispose~~  
9 ~~of obsolete and unusable computers and computer-related~~  
10 ~~equipment pursuant to the provisions of section two, article three~~  
11 ~~of this chapter.~~

12       (b) The commission, council or governing board, as  
13 appropriate, ~~except for Marshall University and West Virginia~~  
14 ~~University,~~ shall report ~~annually~~ biannually to the Legislative  
15 Auditor all sales of commodities made during the preceding ~~six~~  
16 ~~months~~ biennium. ~~(4)~~ The report shall include a description of  
17 the commodities sold, the name of the buyer to whom each

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1 commodity was sold and the price paid by the buyer.

2 ~~(2) Marshall University and West Virginia University~~  
3 ~~shall report biennially to the Legislative Auditor the total sales~~  
4 ~~of commodities made during the preceding biennium along with~~  
5 ~~the total recorded net book value of such commodities.~~

6 (c) The proceeds of sales or transfers shall be deposited  
7 in the State Treasury to the credit on a pro rata basis of the fund  
8 or funds from which the purchase of the particular commodities  
9 or expendable commodities was made. The commission, council  
10 or governing board, as appropriate, may charge and assess fees  
11 reasonably related to the costs of care and handling with respect  
12 to the transfer, warehousing, sale and distribution of state  
13 property that is disposed of or sold pursuant to the provisions of  
14 this section.

15 (d) Notwithstanding the provisions of this section, the  
16 commission, council or a governing board may donate  
17 equipment, supplies and materials with the approval of the

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- 1 commission, council or governing board or their designee, as
- 2 appropriate.

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(NOTE: The purpose of this bill is to allow boards of governors of institutions of higher education more flexibility in the procurement and payment of certain expenses.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.

§18B-5-4a is new; therefore, strike-throughs or underscoring have been omitted.)