

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 133

BY SENATORS GAUNCH, BLAIR, SWOPE, BALDWIN,

JEFFRIES, BOSO, AND OJEDA

[Originating in the Committee on Government

Organization; reported on January 17, 2018]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5A-3-3c, relating to exempting certain contracts related to recovery from a
3 declared state of emergency from purchasing requirements; clarifying exemption from
4 purchasing requirements for certain contracts entered into during declared state of
5 emergency; exempting from purchasing requirements renewals of certain contracts
6 entered into during declared state of emergency; exempting purchase of goods or services
7 from federal government or agency when goods and services are directly and solely
8 related to recovery from declared state of emergency; requiring Director of Division of
9 Homeland Security and Emergency Management to certify eligibility for exemption; setting
10 forth record-keeping requirements; and defining the term “directly and solely related”.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. PURCHASING DIVISION.

**§5A-3-3c. Exemptions from purchasing requirements for contracts entered into as part of
recovery from a declared state of emergency.**

1 (a) The provisions of this article do not apply to contracts entered into during a state of
2 emergency declared by the Governor pursuant to §15-5-6 of this code, so long as the contract is
3 directly and solely related to the recovery from the declared state of emergency.

4 (b) The provisions of this article do not apply to the renewal of a contract entered into
5 during a state of emergency declared pursuant to §15-5-6(c) of this code, if the contract is directly
6 and solely related to the recovery from the declared state of emergency during which the contract
7 was initially entered.

8 (c) The provisions of this article do not apply to the purchase of goods or services from
9 the federal government, or an agency thereof, if the purchase of those goods and services is
10 directly and solely related to the recovery from a state of emergency declared pursuant to §15-5-
11 6(c) of this code.

12 (d) To qualify for the exemption contained in this section, the Director of the Division of
13 Homeland Security and Emergency Management must certify that the contract or purchase is
14 directly and solely related to the recovery from a declared state of emergency and attach a copy
15 of the proclamation issued by the Governor’s office to the certification. Such certifications shall be
16 maintained by the Division of Homeland Security and Emergency Management until the contracts
17 or purchase agreements have been fully executed.

18 (e) For purposes of this section, “directly and solely related” means that the goods or
19 services being purchased or contracted for will be used for recovery from the state of emergency
20 only, and will not be used for any other purpose.