

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4840**

By Delegate Dillon

[Introduced January 17, 2024; Referred to the  
Committee on Government Organization]

1 A BILL to amend and reenact §5A-3-1, of the Code of West Virginia, 1931, as amended, relating to  
 2 including legal services under the state purchasing requirements to require the solicitation  
 3 of bids.

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

**ARTICLE 3. PURCHASING DIVISION.**

**§5A-3-1. Division created; purpose; director; applicability of article; continuation.**

1 (a) The Purchasing Division within the Department of Administration is continued. The  
 2 underlying purposes and policies of the Purchasing Division are:

1 (1) To serve as a source of expertise in procurement methods and practices for the various  
 2 state agencies, and to assist and facilitate state agencies in procurement matters, including for  
 3 travel services;

4 (2) To simplify, clarify and modernize the law governing procurement by this state;

5 (3) To permit the continued development of procurement policies and practices;

6 (4) To make as consistent as possible the procurement rules and practices among the  
 7 various spending units;

8 (5) To provide for increased public confidence in the procedures followed in public  
 9 procurement;

10 (6) To ensure the fair and equitable treatment of all persons who deal with the procurement  
 11 system of this state;

12 (7) To provide increased economy in procurement activities and to maximize to the fullest  
 13 extent practicable the purchasing value of public funds;

14 (8) To foster effective broad-based competition within the free enterprise system;

15 (9) To provide safeguards for the maintenance of a procurement system of quality and  
 16 integrity; and

17 (10) To obtain in a cost-effective and responsive manner the commodities and services  
18 required by spending units for those spending units to better serve this state's businesses and  
19 residents, including legal services from private firms and attorneys in excess of \$3,000.

20 (b) The provisions of this article apply to all of the spending units of state government,  
21 except as otherwise provided by this article or by law.

22 (c) The provisions of this article do not apply to the judicial branch, the West Virginia State  
23 Police, the West Virginia Office of Laboratory Services, the legislative branch, to purchases of  
24 stock made by the Alcohol Beverage Control Commissioner and to purchases of textbooks,  
25 instructional materials, digital content resources, instructional technology, hardware, software,  
26 telecommunications and technical services by the State Board of Education for use in and in  
27 support of the public schools.

28 (d) Notwithstanding any other provisions of this article, commodities and services may be  
29 purchased by a spending unit in the open market for immediate delivery in emergencies: Provided,  
30 That the purchase and a description of the circumstances warranting such emergency purchase  
31 are timely reported by the agency head or other authorized agent of the spending unit under the  
32 provisions of § 5A-3-4(a)(2) of this code.

33 (e) The provisions of this article apply to every expenditure of public funds by a spending  
34 unit for commodities and services irrespective of the source of the funds, except as otherwise  
35 provided by this article or by law.

NOTE: The purpose of this bill is to include outside legal services under the state purchasing requirements to require the solicitation of bids.

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