

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENGROSSED

House Bill 5594

By Delegates Hanshaw (Mr. Speaker), Chiarelli,
Warner, Statler, and Williams

[Introduced February 12, 2024; Referred to the
Committee on Finance]

1 A Bill to amend and reenact §5A-3-1 of the Code of West Virginia, 1931, as amended, relating to
2 exempting the West Virginia School of Osteopathic Medicine, West Virginia University and
3 Marshall University from contracts, agreements, or memorandums of understanding with
4 spending units in state government with exceptions.

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:

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

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

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

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

10 (5) To provide for increased public confidence in the procedures followed in public
11 procurement;

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

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

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

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

19 (10) To obtain in a cost-effective and responsive manner the commodities and services
20 required by spending units for those spending units to better serve this state's businesses and
21 residents.

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

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

30 (d) The provisions of this article do not apply to any contract, agreement, or memorandum
31 of understanding between a spending unit of state government and West Virginia School of
32 Osteopathic Medicine, West Virginia University or Marshall University for services, except that any
33 contract entered into under §9-2-6(5) of this code for the provision of Medicaid services by a risk-
34 bearing entity is not exempt from the provisions of this article.

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

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