

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 756

By Senator Morris

[Introduced February 5, 2026; referred

to the Committee on Government Organization]

1 A BILL to amend and reenact §5A-3-10b of the Code of West Virginia, 1931, as amended, relating
2 to extending authority to state spending units to utilize best value procurements when they
3 determine that it is advantageous to the state.

Be it enacted by the Legislature of West Virginia:

| ARTICLE | 3. | PURCHASING | DIVISION. |
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| §5A-3-10b. | Best | value | procurement. |
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1 (a) The director or a spending unit may utilize best value procurement to enter into
2 a contract when ~~he or she determines in writing that it is advantageous to the state it is~~
3 determined to be advantageous to the state.

4 (b) A solicitation for bids under best value procurement shall be made in the same
5 manner as provided in §5A-3-10 of this code.

6 (c) Best value procurement awards shall be based on criteria set forth in the
7 solicitation and information contained in the proposals submitted in response to the
8 solicitation. Those criteria include, but are not limited to, price and the total cost of
9 acquiring, operating, maintaining, and supporting a commodity or service over its projected
10 lifetime, as well as technical criteria. The technical criteria may include, but are not limited
11 to, the evaluated technical merit of the bidder's bid or proposal, the bidder's past
12 performance, the degree to which a proposal exceeds other proposals in technical merit,
13 the utility of any novel or unrequested items in the proposal, and the evaluated probability
14 of performing the requirements stated in the solicitation on time, with high quality, and in a
15 manner that accomplishes the business objectives set forth in the solicitation.

16 (d) The award must be made to the highest scoring responsive and responsible
17 bidder whose bid is determined, in writing, to be most advantageous to the state, taking
18 into consideration all evaluation factors set forth in the best value solicitation.

19 (e) The director or any spending unit may not use best value procurement to enter into
20 government construction contracts, including, but not limited to, those set forth in §5-22-1 *et seq.*

21 of this code.

NOTE: The purpose of this bill is to extend the authority of the purchasing director, who may utilize best value procurement, to state spending units when they determine that it is in the best interest of the state.

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