

# **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.**

**§5A-3-10b. Best value procurement.**

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  
10 projected lifetime, as well as technical criteria. The technical criteria may include, but are  
11 not limited to, the evaluated technical merit of the bidder's bid or proposal, the bidder's  
12 past performance, the degree to which a proposal exceeds other proposals in technical  
13 merit, the utility of any novel or unrequested items in the proposal, and the evaluated  
14 probability of performing the requirements stated in the solicitation on time, with high  
15 quality, and in a manner that accomplishes the business objectives set forth in the  
16 solicitation.

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

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