

# A High Level Overview of West Virginia State Procurement



West Virginia Department of Administration

## Purchasing Division

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# Overview of Procurement for West Virginia State Agencies

The Purchasing Division is responsible for the timely, responsive and efficient procurement of commodities and services for state government. This booklet presents the primary functions of the Purchasing Division as it relates to this mission.

The Purchasing Division functions in adherence to *W. Va. Code* §5A-3-1 *et seq* and the *Code of State Rules* (148 CSR 1). The Legislative Rule serves as an explanation and clarification of operative procedures for the purchase of commodities and services. It applies to all spending units of state government, except those statutorily exempted, which are noted further in this booklet.

## Organization

The Purchasing Division is organizationally structured under the West Virginia Department of Administration. There are four sections of the Purchasing Division in addition to the Director's Office.

The **Acquisitions and Contract Administration Section** processes all purchases expected to exceed \$50,000\* for state agencies that fall under the Purchasing Division's authority. Additionally, it oversees contract management and purchasing inspections.

The **Business and Technical Services Section** assists with the daily operations of the Division's sections through various technology and business functions, including but not limited to hardware and software, vendor registration, encumbrance, and more.

The **Communication and Training Section** oversees all communication and training-related functions of the Division. This includes developing monthly newsletters; offering guidance through regular eblasts; coordinating webinars, trainings, and conferences; and more.

The **Program Services Section** is responsible for the State and Federal Surplus Property Programs, Travel Management, and Inventory Management.



The Purchasing Division staff, pictured above in a July 2022 photo, works closely with our designated agency procurement officers to provide the commodities and services needed to maintain and operate state programs and services.

Designated Agency Procurement Contacts

Communication between agencies and the Purchasing Division is vital. To maintain this line of communication, each agency head is required to appoint a liaison to the Purchasing Division.

This requirement is noted in *Code of State Rules* (148 CSR 3.2) which states that “All purchases must be approved by the secretary or head of the spending unit, or a designee, whose name shall be filed with the Purchasing Director. The person(s) named must take at least 10 hours annually of available purchasing training and have responsibility for the function of purchasing. Each spending unit must process all purchases through this person(s), who shall be responsible for correspondence and communication with the Purchasing Division.”

## Spending Limits

State agencies are delegated the authority to purchase commodities and services expected to cost \$50,000\* or less. There are three spending limits under agency delegated authority with varying bid requirements.

- \$0 - \$5,000.00: No competition required, but encouraged
- \$5,000.01 - \$20,000.00: Three verbal bids required
- \$20,000.01 - \$50,000.00\*: Three written bids required

For purchases more than \$50,000\*, agencies must follow the formal bid process through the Purchasing Division.

*\*or \$100,000 if an agency has obtained approval by the Purchasing Division for an increased spending threshold*



## Statewide Contracts

Statewide contracts have been established for the purchase of frequently used commodities and services. State agencies statutorily required to follow the Purchasing Division guidelines must use these mandatory contracts, unless otherwise noted. For a list of these contracts, visit [www.state.wv.us/admin/purchase/swc](http://www.state.wv.us/admin/purchase/swc).

Other contracts exist which contain provisions allowing agencies and political subdivisions to utilize these other contracts. Agencies must seek approval from the Purchasing Division prior to making a purchase from a cooperative contract.

## Exemptions

State law exempts certain state agencies, in part or in whole, from the Purchasing Division's authority. The following entities are exempt from the state purchasing process:

- Legislative Branch
- Judicial Branch
- Higher Education
- Division of Highways – Road Construction projects
- The Purchasing Division is aware of 43 full or partial exemptions.

Section 9 (Impossible to Bid List) of the *Purchasing Division Procedures Handbook* details other commodities and services exempt from the state purchasing process. This list is pre-approved by the Purchasing Division but does not supersede the state Attorney General's office or vendor registration requirements.



## Training Offered by the Purchasing Division

### Procurement Officers

The Purchasing Division provides numerous training opportunities to agency purchasers. These training initiatives include the Purchasing Division’s Agency Purchasing Conference, On-line Resource Modules, In-House Training Program (located on the Capitol campus), and Webinars. The Purchasing Division also offers a State Procurement Certification Program. The Purchasing Division’s training website can found at [www.state.wv.us/admin/purchase/training](http://www.state.wv.us/admin/purchase/training).

### High-Level Officials

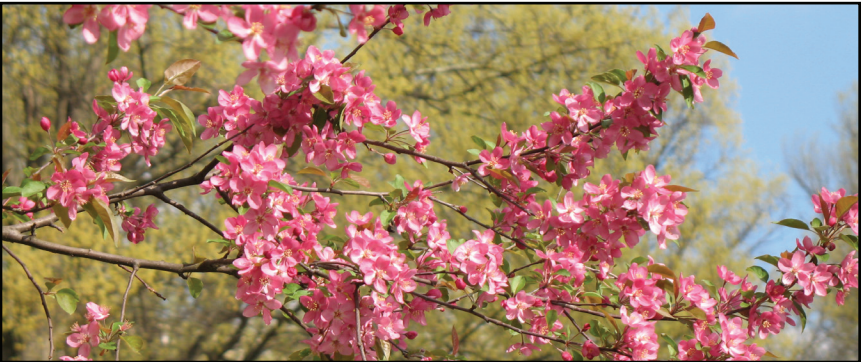
*West Virginia Code* §5A-3-60 requires that “All executive department secretaries, commissioners, deputy commissioners, assistant commissioners, directors, deputy directors, assistant directors, department heads, deputy department heads and assistant department heads” take two hours of training on purchasing procedures and purchasing cards annually. This training, which is co-presented by the Purchasing Division and the State Auditor’s Office, is offered twice per year and a recording is made available on the Purchasing Division’s website.

## Professional Awards, Memberships and Certifications

The Purchasing Division supports the ongoing professional development of its staff, as well as works to strengthen its contribution and customer service to the public procurement field. The Purchasing Division achieves these efforts through various means, including professional awards, national public procurement organization memberships, and national certifications.

The Purchasing Division belongs to the **National Association of State Procurement Officials**, **The Institute for Public Procurement**, and the **National Procurement Institute**. Purchasing Division personnel attend various regional and national conferences offered through these organizations and participate in other professional development opportunities on a regular and ongoing basis.

The State Purchasing Director supports the attainment of recognized certifications for its professional staff. These certifications include NASPO's **Certified Professional Public Buyer** and **Certified Public Procurement Officer**, NIGP's **Certified Procurement Professional**, and the **CLEAR National Certified Inspector Training** certification.



## Violations

The laws that govern the public purchasing process are strict and demand the highest degree of discretion and ethical behavior. *West Virginia Code* addresses penalties for violating purchasing procedures which may include personal liability that results in jail time and/or fines.

## Public Records

All records in the Purchasing Division related to purchase orders and contracts are considered public record. The only exemptions to disclosure of information are listed in *West Virginia Code* §29B-1-4.

All bids, proposals or offers submitted by vendors shall become public information and are available for inspection during normal business hours. All public information may be released with or without a Freedom of Information Act request.

