

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

Do Not Mark In this Box

FILED
1998 SEP 20 AM 9 57
OFFICE OF THE SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Department Of Administration: Purchasing Division TITLE NUMBER: 148

CITE AUTHORITY West Virginia Code Section 9-8-7

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Five (5)

TITLE OF RULE BEING PROPOSED: Availability Of State Surplus

Buildings And Equipment To Charity Food Banks

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Curt Paul



WEST VIRGINIA LEGISLATURE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
 Room M-438, State Capitol
 Charleston, West Virginia 25305
 (304) 340-3286

Senator Lloyd Jackson, Co-Chairman
 Delegate Patrick H. Murphy, Co-Chairman

Debra A. Graham, Counsel
 Michael McThomas, Associate Counsel
 Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

September 10, 1990

TO: Ken Hechler, Secretary of State, State Register

TO: The Honorable Chuck Polan
 Department of Administration
 State Capitol
 Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Availability of State Surplus Buildings and
 Equipment to Charity Food Bank

FILED
 FOR SEP 14 AM 11:51
 STATE REGISTER

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: Diana Stout
 Dept. of Administration

148 CSR 5

TITLE 148
LEGISLATIVE RULES
DEPARTMENT OF ADMINISTRATION
Purchasing Division

SERIES 5

AVAILABILITY OF STATE SURPLUS BUILDINGS AND EQUIPMENT
TO CHARITY FOOD BANKS

Section 148-5-1. General.

1.1 Scope.--These legislative rules establish requirements for providing available state surplus buildings and equipment necessary for the operation of a charity food banks for use without charge.

1.2 Authority.--West Virginia Code 9-8-7.

1.3 Filing Date.--

1.4 Effective Date.--

Section 148-5-2. Definitions.

As used in these rules, all terms have the same meaning as provided in the Charity Food Banks Act, West Virginia Code 9-8-1 et seq., and as provided in the Department of Administration Act, chapter five-a of the West Virginia Code.

Section 148-5-3. Charity food bank eligibility.

To be eligible to use without charge available state surplus buildings or equipment, a charity food bank must meet the minimum standards established in West Virginia Code 9-8-6 and have entered into a contract with the Division of Human Services of the Department of Health and Human Resources under the Hunger Prevention Act of 1985, P. L. 100-435.

Section 148-5-4. State surplus buildings.

(a) Upon request from an eligible charity food bank to use a

The Revision AS
had a revision, but
changed
-in accordance with
request of LRS
EMM to be held 9/15
1/80
Adopted

surplus state building, the Director of Purchasing shall determine whether or not the building is vacant and available for such use.

(b) If the building is vacant and available, the charity food bank shall submit a letter of intent to the Director of Purchasing with a copy of the contract between the charity food bank and the Division of Human Services of the Department of Health and Human Resources. The letter of intent shall be signed and dated by an authorized representative of the charity food bank.

The letter of intent shall provide the following:

(i) Identification of the applicant, complete address and name, title and telephone number of the authorized representative signing the letter of intent;

(ii) Description of the building requested, including location and owner; and

(iii) Details on the planned utilization of the building.

The Director of Purchasing shall determine whether the information provided in a letter of intent is sufficient.

(c) In the event the building is vacant and available for use by the requesting charity food bank and the letter of intent has been determined sufficient, the Director of Purchasing shall cause a lease between the owner of the building and the charity food bank to be prepared and executed. The lease shall contain a term consistent with the contract between the charity food bank and the Division of Human Services of the Department of Health and Human Resources and such other terms and conditions as deemed reasonable and prudent by the Director of Purchasing, in a form as approved by the Director of Purchasing.

Section 148-5-5. State surplus equipment.

(a) Upon request from an eligible charity food bank to use surplus state equipment, the Director of Purchasing shall determine whether or not such equipment is available for such use.

(b) If the surplus equipment is available, the charity food bank shall submit a letter of intent to the Director of Purchasing with a copy of the contract between the charity food bank and the Division of Human Services of the Department of Health and Human Resources. The letter of intent shall be signed and dated by an authorized representative of the charity food bank.

The letter of intent shall provide the following:

(i) Identification of the applicant, complete address and name, title and telephone number of the authorized representative signing the letter of intent;

(ii) Description of the equipment requested, including the type, model, serial number, location and owner;

(iii) Details on the planned utilization of the equipment, including location; and

(iv) In the event the equipment requires trained operation, listing of the persons who will operate the equipment and their level of training.

The Director of Purchasing shall determine whether such letter of intent is sufficient.

(c) In the event the equipment is available for use by the requesting charity food bank and the letter of intent has been determined sufficient, the Director of Purchasing shall cause a lease between the owner of the equipment and the charity food bank to be prepared and executed. The lease shall contain a term consistent with the contract between the charity food bank and the Division of Human Services of the Department of Health and Human Resources and such other terms and conditions as deemed reasonable and prudent by the Director of Purchasing, in a form as approved by the Director of Purchasing.

Section 148-5-6. Restrictions.

The Purchasing Division of the Department of Administration may place such restrictions on the use and disposition of any building or equipment obtained in accordance with these regulations in order to protect the State and to comply with any and all federal, state and local laws and regulations pertaining to such use and disposition.