

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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FILED

1991 APR -3 PM 3:39

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: Department of Administration TITLE NUMBER: 148

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 RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) Senate Bill 637

SECTION 62-2-2 (b), PASSED ON March 9, 1991

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: _____ APRIL 3, 1991

C. W. Pol

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

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.

KEN HECHLER
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help we can get)

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1992 FEB -7 PM 3:04

STATE OF WEST VIRGINIA
SECRETARY OF STATE

Charleston 25305

TO: Diana Stout

AGENCY: Department of Administration

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: January 13, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 5 TITLE: Availability of State Surplus Buildings and Equipment to Charity Food Banks

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Diana Stout

TITLE OF PERSON SIGNING: GENERAL COUNSEL

DATE: 1-27-92

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____