

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2001 JUL -3 P 4:33

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Department of Administration TITLE NUMBER: 148

RULE TYPE: Legislative CITE AUTHORITY: 5A-3-33

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 RULE BEING PROPOSED: 9

TITLE OF RULE BEING PROPOSED: Purchasing - Vendor Debarment

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 3, 2001 AT 11:00 ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Donna Prunty
Department of Administration
1900 Kanawha Blvd, East
Room E-119
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

[Signature]
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Agency: Department of Administration
Rule Type: Legislative

Title Number: 148
Cite Authority: 5A-3-33

STATEMENT OF CIRCUMSTANCE AND BRIEF SUMMARY

The Department of Administration is proposing to establish legislative rules regarding vendor debarment. The 2000 Legislative addressed this issue in HB 4442 and this is in response to that legislation. The proposed rule outlines the procedures for the debarment of vendors by the Purchasing Division of the Department of Administration.

148 CSR 9
Title 148
Department of Administration
Purchasing Division
Series 9
Purchasing - Vendor Debarment

FILED

2001 JUL -3 P 4: 33

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§148-9-1 General

- 1.1 Scope - This Legislative Rule is an explanation of the operative rules and procedure for the debarment of vendors by the Purchasing Division of the Department of Administration
- 1.2 Authority - WV Code 5A-3-33(a thru f)
- 1.3 Filing Date - July 3, 2001
- 1.4 Effective Date - _____

§148-9-2 Applicability

- 2.1 This Legislative Rule applies to all spending units of state government, all political subdivisions of state government, every administrative entity that includes such a subdivision, all municipalities and all county boards of education.

§148-9-3 Duties and Authority of the Director

The Director shall

- 3.1. Obtain and maintain lists of vendors declared ineligible under federal law and regulations from the federal website (<http://epls.arnet.gov/>) posting same. A link to this federal site is available from the Purchasing Division's website (www.state.wv.us/admin/purchase).
- 3.2 Notify all interested parties of debarred vendors by any method deemed appropriate by the Director, including but not limited to, posting on the official state Purchasing website, newsletters or other written communication, replies to written requests, etc.
- 3.3 Investigate written complaints from state officials and representatives from political subdivisions, municipalities and boards of education that are received by the Director to determine validity of the complaint. Investigation methods can include, but are not limited to, follow up calls, review of the contract, worksite and materials, etc.

- 3.4 Debarment proceedings will be at the request of the agency upon determination of probable cause by the Director. The time-frame for holding debarment proceedings will be at the convenience of the Purchasing Division within a reasonable time-frame.

§148-9-4 Complaint Forms

- 4.1 The Purchasing Division shall provide uniform Complaint Forms upon written request and on its official state Purchasing website. All complaints should be submitted on this form and submitted to the Purchasing Director.

§148-9-5 Posting of Debarred Vendors

- 5.1 The Purchasing Division shall post a list of debarred vendors, for the length of the debarment on its official state Purchasing website at <http://www.state.wv.us/admin/purchase>.
- 5.2 Information regarding those vendors declared ineligible shall be made available to the West Virginia Association of Counties, the West Virginia Municipal League and the West Virginia Department of Education for their constituents.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Purchasing - Vendor Debarment

Type of Rule: Legislative Interpretive Procedural

Agency: Department of Administration

Address: 1900 Kanawha Boulevard, East

Building 1, Room E-119

Charleston, WV 25305

1. Effect of Proposed rule:

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST					
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					\$0.00

2. Explanation of Above Estimates:

The exact cost of the proposed rule is unknown, however, it is estimated that the costs will be de .minus

3. Objectives of These Rules:

The objective of this proposed rule is to outline the procedures for the debarment of vendors by the Purchasing Division of the Department of Administration.

Rule Title: Purchasing - Debarment

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

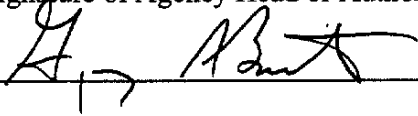
Inability of debarred vendors to do business with the State of West Virginia.

C. Economic Impact on Citizens/Public at Large.

None

Date: 7-3-01

Signature of Agency Head or Authorized Representative:





STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE CABINET SECRETARY

BOB WISE
GOVERNOR

GREGORY A. BURTON
CABINET SECRETARY

July 3, 2001

Via Hand-Delivery

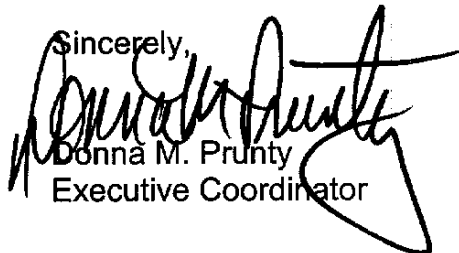
The Honorable Joe Manchin, III
Secretary of State
Building 1, Suite 157K
1900 Kanawha Boulevard, East
Charleston, WV 25305

Re: Legislative Rules

Dear Secretary Manchin,

I am enclosing a "Notice of a Comment Period on a Proposed Rule" herein for filing. The proposed rules are to outline the procedures for the debarment of vendors by the Purchasing Division of the Department of Administration.

Thank you very much for your assistance. If you have any questions, or need any additional information, please do not hesitate to give me a call.

Sincerely,

Donna M. Prunty
Executive Coordinator

DMP:dp
Enclosures