



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

BOB WISE
GOVERNOR

GREGORY A. BURTON
CABINET SECRETARY

December 21, 2001

Via Hand-Delivery

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

**Re: Vendor Debarment, 148CSR9
Legislative Rules**

FILED
2001 DEC 21 P 3:37
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Dear Secretary Manchin,

On July 3, 2001, our office filed proposed rules regarding "Vendor Debarment" which outlined the procedures for the debarment of vendors by the Purchasing Division of the Department of Administration. Counsel for the Legislative Rule-Making Review Committee recommended that the proposed rule be withdrawn. Members of the Joint Legislative Rule-Making Review Committee determined at their interim meeting that the rules were unnecessary. Therefore, the Department of Administration would like to withdraw the proposed rules. A copy of said rules are attached hereto for your review and file. By copy of this letter to the Legislative Rule-Making Review Committee I am also informing them of our decision to withdraw the proposed rules.

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

cc: Gregory A. Burton, Cabinet Secretary
David Tincher, Director of Purchasing
Debra Graham, Counsel for Legislative Rule-Making Review Committee

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

§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.