

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
State Road Commissioner

Chapter 17-2A
(1966)

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Subject: Purchase and Disposal of Materials, Equipment and
Supplies.

Section 1. General

1.01. Scope.--These rules and regulations relate to the purchase and disposal of materials, equipment and supplies.

1.02. Authority.--These rules and regulations are issued under authority of West Virginia Code, Chapter 17, Article 2-A, Sections 8, 14 and 15.

1.03. Effective Date.--These rules and regulations are promulgated on October 14, 1966, and become effective October 14, 1966.

1.04. Filing Date.--These rules and regulations were filed in the Office of the Secretary of State on October 14, 1966.

1.05. Certification.--These rules and regulations are certified authentic by the Secretary of State by certification number

Section 2. Purchase of Materials, Equipment and Supplies; Registration of Vendors

2.01. General.--The purchase of materials, equipment and supplies required for the state road program and system is governed by statute. (See Chapter 5A, Article 3, Code, Chapter 17, Article 2A, Sections 8, 13, 15 and 17, Code, and Chapter 17, Article 4, Section 19, Code). The requirements as to registration of vendors are specified by statute. (See Chapter 17, Article 2A, Section 16, Code).

Section 3. Disposition of Materials, Equipment and Supplies

3.01. Manner of Disposition.--Obsolete and unusable equipment, surplus supplies and other unneeded materials may be disposed of either by transfer to other governmental agencies or institutions, by exchange or trade, or by sale as junk or otherwise. (Reference, Chapter 17, Article 2A, Sections 8(35) and 14, Code. See also, Chapter 5A, Article 3, Section 23, Code.)

3.02. Commissioner's Order.--Prior to the disposition of obsolete and unusable equipment, surplus supplies, and other unneeded materials, the State Road Commissioner shall make a finding that such equipment is obsolete or unusable, or that such supplies and

materials are surplus and not needed for road purposes, and he shall thereupon enter an order in the Commissioner's Order Book setting forth the reasons said items are no longer needed or can no longer be used by the State Road Commission and authorizing the disposition thereof.

3.03. Inventory Report.--The Commissioner shall inventory all disposable materials, equipment and supplies from time to time as quantity and stocks may warrant, but shall make a complete semi-annual inventory thereof as of the 31st day of March and the 30th day of September of each year.

(a) Such inventory shall briefly describe the disposable items, the date of purchase of the same, the vendor of said items, the purchase price paid therefor and the Commissioner's order number authorizing disposition thereof, and a brief statement of the reasons said items are no longer needed or can no longer be used by the Commission.

(b) All such inventories shall be kept as public records open to public inspection at the office of the Commissioner for a period of five years and may thereafter be destroyed.

3.04. Notice to State Agencies, Counties, Municipalities;

Priority.--Prior to the offering of the transfer, sale, exchange or trade of such obsolete or unusable equipment, supplies or material to the general public, notice shall be given to all state agencies and state institutions, and all counties and municipalities in the area where such sale is to be made, of the proposed disposition of such equipment, supplies, and materials. First priority to purchase same shall be given to state agencies and institutions and thereafter to the counties and municipalities, respectively.

3.05. Sale to Other Public Body; Price.--The sale, transfer, exchange or trade of such equipment, supplies and materials to state agencies or institutions, counties and municipalities may be made without public advertisement and shall be based on the lowest possible market price therefor taking into consideration the purchase price paid for such equipment, supplies and materials, less the depreciation thereon.

3.06. Public Sale; Notice.--If any obsolete or unusable equipment, or surplus or unneeded materials or supplies cannot be sold or otherwise transferred to another governmental agency, within a reasonable time, as provided for in these regulations, such equipment, materials or supplies shall be offered for sale at public auction. Notice of the time and place of such sale shall be published

once each week for at least three successive weeks prior to the date of the proposed sale, in a newspaper of general circulation in the county where the sale is to be held. Said sales may be advertised in such other newspapers and other news media, or in such other manner, as under the circumstances may be necessary and desirable.

(a) Mailing List.--The Commissioner shall maintain a mailing list of all persons interested in bidding at any such sale, and shall mail a written notice of the time and place of such sale to all such persons at least two weeks prior to the date of the sale. Any person interested in such notice may request that his name and address be placed on the Commissioner's mailing list, and all such notices will be sent to him in the future.

3.07. Bidders; Prequalifications.--All persons who wish to become bidders on any of the equipment, materials or supplies provided for in this section of these regulations shall first complete a bidder's application form and deposit it with the Commissioner or his duly authorized representative. All such applicants shall deposit a minimum sum of two hundred dollars (\$200.00) with the Commissioner at the time the bidder's application form is submitted to the Commissioner or his representative, unless such deposit is

specifically waived in writing by the Commissioner.

3.08. Payment for and Removal of Equipment, Materials and Supplies; Passage of Title; Forfeiture of Deposit.--Title shall pass to the high bidder on any equipment, materials or supplies offered for sale at public auction, as provided herein, upon payment in full of the amount of the high bid for a single item, or in the case of more than one item, upon payment in full of the high bid for each, every and all items, within thirty (30) days from the date of such public auction, and upon removal of any, each and all such items, within thirty (30) days from the date of such public auction. In the event the high bidder shall fail to pay the purchase price in full for each, any and all such items, and remove the same within thirty days from the date of said public auction, the executory contract of sale entered into thereat shall be null, void and of no effect, and the deposit provided for in Section 3.07 hereof shall be forfeited as liquidated damages for the bidder's failure to perform his obligations. Provided, however, that the Commissioner may in his discretion extend the time for payment or removal of such item or items, where written request is made for such extension, and in the judgment of the Commissioner good and sufficient cause exists for granting such extension.

3.09. Exchange or Trade of Equipment, Materials or Supplies.--

In the event obsolete or unusable equipment or surplus or unneeded materials or supplies are exchanged or traded, the Commissioner shall have the item or items owned by the Commission appraised by a competent appraiser, and such appraisal shall serve as a guide in the negotiation of the trade or exchange.