

DATE: July 17, 2017

TO: PCPS Procurement Manual

FROM: David Beaver, Chief Procurement Officer



SUBJECT: Revision 00003 to WVU Purchasing Manual Dated April 2006

The West Virginia University (WVU) Procurement Manual (April 2006) is hereby revised as follows:

Section 5.35 Vendor's Rights and Duties is hereby amended to add Section 5.35.7 – Disclosure of Interested Parties

5.35.7 – Disclosure of Interested Parties to Contracts

Pursuant to W. Va. Code Chapter 6D, Article 1, West Virginia University (WVU) may not enter into a contract, or a series of related contracts, that has/have an actual or estimated value of \$100,000 or more until the business entity submits to WVU a Disclosure of Interested Parties to Contracts form for the applicable contract. In addition, the business entity awarded a contract is obligated to submit a supplemental Disclosure of Interested Parties to Contracts form reflecting any new or differing interested parties to the contract within 30 days following the completion or termination of the applicable contract. Disclosures made by business entities must be made in writing and signed by an authorized agent of the business entity under oath and penalty of perjury.

For purposes of complying with these requirements, the following definitions apply:

"Applicable contract" means a contract of WVU that has an actual or estimated value of at least \$100,000; provided, that this shall include a series of related contracts or orders in which the cumulative total exceeds \$100,000.

"Business entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership or corporation.

"Interested party" or *"Interested parties"* means:

- (1) A business entity performing work or service pursuant to, or in furtherance of, the applicable contract, including specifically sub-contractors receiving \$50,000 or more under an applicable contract;
- (2) the person(s) who have an ownership interest equal to or greater than 25% in the business entity performing work or service pursuant to, or in furtherance of, the applicable contract. (This subdivision does not apply to a publicly traded company.); and
- (3) the person or business entity, if any, that served as a compensated broker or intermediary to actively facilitate the applicable contract or negotiated the terms of the applicable contract with WVU. (This subdivision does not apply to persons or business entities performing legal services related to the negotiation or drafting of the applicable contract.)

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