



State of West Virginia
Department of Homeland Security
Division of Administrative Services
1201 Greenbrier Street
Charleston, WV 25311
(304) 558-2350



JEFF S. SANDY, CFE, CAMS
CABINET SECRETARY

MICHAEL V. COLEMAN
DIRECTOR

To: All Division of Administrative Services Employees
From: Paula Dickens, Executive Secretary *pdickens*
Date: December 16, 2022
Re: Issuance of Agency Policy Statements

The following agency policy statement is hereby issued by the Director and effective on <insert date>:

| <u>Index No.</u> | <u>Subject</u> |
|------------------|-------------------------------------|
| 302.00 | Correctional Industries Act of 2009 |

Please read each of these policies as soon as possible and upload the enclosed acknowledgement form to <https://forms.gle/tmy8LP9hMT8hxgyD9>.

Thank you for all that you are doing to deliver a premier level of service to our customer agencies.

Enclosure

cc: File



WEST VIRGINIA DIVISION OF ADMINISTRATIVE SERVICES

EMPLOYEE ACKNOWLEDGEMENT FORM – WRITTEN INSTRUCTIONS

I, the undersigned employee hereby acknowledges receipt of a copy of the West Virginia Division of Administrative Services policy statement(s), staff notice(s), and/or job guide(s) listed below:

| <u>Index Number</u> | <u>Subject</u> | <u>Effective Date</u> |
|---------------------|-------------------------------------|-----------------------|
| 302.00 | Correctional Industries Act of 2009 | 19 December, 2022 |

I, the undersigned employee acknowledges 1) that the above listed policy statement(s), staff notice(s), and/or job guide(s) are a condition of my continuing employment with the West Virginia Division of Administrative Services; 2) that I understand the effective dates of these policy statement(s), staff notice(s), and/or job guide(s); 3) that I am hereby instructed to contact my immediate supervisor if I have any questions concerning these policy statement(s), staff notice(s), and/or job guide(s); and 4) that all Division of Administrative Services policy statement(s), staff notice(s), and/or job guide(s) will be available on the agency's website, in compliance with Division of Administrative Services Policy Statement 100.00, for viewing at any time.

Employee's Name (Print or Type) _____

Employee's Signature _____ Date _____

UPLOAD THE FORM BY USING THE LINK BELOW

<https://forms.gle/tmy8LP9hMT8hxgyD9>



**WEST VIRGINIA DIVISION OF ADMINISTRATIVE SERVICES
AGENCY POLICY STATEMENT**

SUBJECT: CORRECTIONAL INDUSTRIES ACT OF 2009

INDEX NUMBER: 302.00

EFFECTIVE DATE: December 19, 2022

PURPOSE: To communicate Division of Administrative Services (hereinafter DAS) policy that governs purchases from and accounting sweep practices with West Virginia Correctional Industries (hereinafter WVCI) in compliance with the Correctional Industries Act of 2009.

REFERENCE: West Virginia Code §15A-2-1, et seq., and §25-7-1 et seq., also known as the Correctional Industries Act of 2009.

RESPONSIBILITY: The Assistant Director – Purchasing Section is responsible to enact, if deemed necessary, any staff notices or job guides related purchasing practices governed by this policy statement. The Assistant Director – Fiscal Operations is responsible to enact, if deemed necessary, any staff notices or job guides related to the Correctional Industries Account and/or Additional Operations Account.

CANCELLATION: Any previous written or verbal instruction on this subject.

APPLICABILITY: While this policy statement provides specific guidance to employees with purchasing and fiscal duties that intersect with the Correctional Industries Act of 2009, all DAS employees are expected to comply with said Act whenever their duties intersect with it.

DEFINITIONS: None.

POLICY:

- I. The West Virginia Legislature has established the Correctional Industries Act of 2009 setting forth legislative findings, state law governing articles or products offered for sale by WVCI, the establishment of special revenue funds related to WVCI, the sweeping of said funds, and other related matters.
 - A. West Virginia Code §25-7-11 requires any moneys in the Correctional Industries Account (special revenue) exceeding \$2 million shall be transferred at the end of each fiscal year into the Division of Corrections Additional Operations Account (special revenue) from which the Commissioner is authorized to use funds to offset operational costs, for buildings and maintenance, purchases, equipment repair or replacement for the Division of Corrections and Rehabilitation, and to defray necessary expenses incident to those activities. The Division of Corrections and Rehabilitation is the largest

- agency within the Department of Homeland Security and DAS's largest customer agency.
- B. Anytime DAS looks to purchase an article or product for use by DAS, if those articles or products are produced or manufactured by correctional industries, then DAS shall purchase said articles or products from Correctional Industries unless otherwise approved in writing by the Director. *See West Virginia Code §25-7-5.*
- C. Anytime DAS is administering a purchasing process for another state agency, if the article or product is produced or manufactured by Correctional Industries, then DAS shall purchase said articles or products from Correctional Industries unless DAS is notified in writing by Correctional Industries that the article or product is not available, or that the article or product cannot be provided in a timely manner, or in a sufficient quality and that the written communication received from Correctional Industries will serve as a waiver to purchase the article or product from another source. DAS will notify the requesting state agency of the waiver and suggest alternate sources for the requested article or product. Upon receipt of approval from the requesting state agency to proceed with purchasing the article or product from an alternate source, DAS will proceed with the purchasing process to obtain the article or product for the requesting state agency. *See West Virginia Code §25-7-5.*
- D. As authorized by West Virginia Code §25-7-6, exceptions to the mandatory purchase requirements of §25-7-5 may be granted when a Correctional Industries article or product does not meet the reasonable requirements of the requesting state office, department, institution, or agency, or when the requisition cannot be fulfilled because of insufficient supply or other reason. Insubstantial variations are not cause for exception to the mandatory purchase requirement.

APPROVED SIGNATURE:  December 19, 2022
Michael V. Coleman, Director Date