



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

6/25/2026 12:20:44 PM

Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Administration

TITLE-SERIES: 148-26

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: CONSTRUCTION MANAGEMENT AT-RISK
CONTRACTING

CITE STATUTORY AUTHORITY: W. Va. Code §5-22B-17.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/25/2026 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Samantha Knapp

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Charleston, WV 25305

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This legislative rule identifies standardized forms for use in construction management at-risk contracting projects.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

W. Va. Code §5-22C-17 Requires the Purchasing Division to propose legislative rules to develop standardized forms for use in construction management at-risk contracting. The forms must include an offeror required information form, a signed contract form, and a conflict of interest statement form.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

This rule should have no economic impact on revenues of state government.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

This rule should have no economic impact on special revenue accounts.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

This rule relates to a newly adopted procurement method for construction contracts that was created through legislation during the 2025 session. This adoption of construction management at-risk contracting will likely increase flexibility in the government contracting process and create new business opportunities. The rule identifies and provides access to forms that will enhance consistency, ensure effective administration, and assist contractors wishing to take advantage of the new program.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

The costs to create forms and publish them on the Purchasing Division's website are de minimis.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Misty Peal -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

148CSR26

TITLE 148

LEGISLATIVE RULE

WEST VIRGINIA PURCHASING DIVISION

SERIES 26

CONSTRUCTION MANAGEMENT AT-RISK CONTRACTING

§ 148-26-1. General.

1.1. Scope. -- This legislative rule identifies standardized forms for use in construction management at-risk contracting

1.2. Authority. -- W. Va. Code §5-22B-17.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Provision: This rule shall terminate and have no further force or effect on August 1, 2037.

§ 148-26-2. Forms.

2.1. The Division of Purchasing shall make available on its public website, standardized forms for use in construction management at-risk contracting. Such forms shall include:

2.1.1. An offeror required information form;

2.1.2. A signed contract form; and

2.1.3. A conflict of interest statement form.

2.2. The Division of Purchasing may update these forms periodically to meet the changing needs of the State and ensure such forms are effective for agencies, municipalities, and other spending units desiring to utilize construction management at-risk contracting.