



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/29/2026 7:51:56 AM
Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

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

PRIMARY CONTACT

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

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

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.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/25/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/25/2026

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

Agency posted the information on its public website.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This new legislative rule identifies standardized forms for use in construction management at-risk contracting projects. The forms must include an offeror required information form, a signed contract form, and a conflict of interest statement form.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE 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.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE 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 LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

This rule relates to a newly adopted procurement method for construction contracts, created through legislation during the 2025 Session. Adopting 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 Purchasing Division expects the costs incurred to create forms and publish them on the agency's website to be 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.