



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

**eFILED**

10/19/2026 3:44:56 PM

Office of West Virginia  
Secretary Of State

## NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Administration

RULE TYPE: Legislative

TITLE-SERIES: 148-26

RULE NAME: Construction Management At-Risk  
Contracting

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

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

**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, 2032.

**§ 148-26-2. Definitions**

2.1. "Construction management at-risk contract" means a contract by which a construction manager: (1) Assumes the legal responsibility to deliver a construction project within a contracted price; (2) Acts as a construction consultant to the state and/or its subdivision during the design development phase of the project when the state and/or its subdivisions architect or engineer designs the project; and (3) Is the builder during the construction phase of the project.

**§ 148-26-3. Forms.**

3.1. 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:

3.1.1. An offeror required information form;

3.1.2. A signed contract form; and

3.1.3. A conflict of interest statement form.

3.2. 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.