

SB 0227

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 227

(By Senators CRAIG & DITTMAR)



PASSED MARCH 11, 1995

In Effect 90 DAYS FROM Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 227**

(SENATORS CRAIGO AND DITTMAR, *original sponsors*)

[Passed March 11, 1995; in effect ninety days from passage.]

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AN ACT to amend article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirty-seven-b, relating to prohibiting change orders in excess of ten percent of the original successful contract bid for certain state contracts.

*Be it enacted by the Legislature of West Virginia:*

That article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section thirty-seven-b, to read as follows:

**ARTICLE 3. PURCHASING DIVISION.**

**§5A-3-37b. Change orders in excess of ten percent of original contract prohibited.**

1 (a) Notwithstanding any provision of this chapter to  
2 the contrary, and subject to the exceptions set forth in  
3 subsection (b) and (c) of this section, no change order  
4 executed or approved by the purchasing division for  
5 commodities, business service contracts or professional  
6 services may be made in excess of ten percent of the  
7 original successful contract bid involving such contracts  
8 with the state: *Provided*, That the provisions of this  
9 article shall not apply to change orders entered into  
10 pursuant to subsection (b) of this section.

11 (b) In the event there is a need for a change order in  
12 excess of ten percent of the original contract, such  
13 change order shall be negotiated between the two lowest  
14 competitive bidders on a competitive basis.

15 (c) The provisions of this section shall not apply to  
16 maintenance and construction contracts entered into by  
17 the division of highways.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Randy Schanover*  
.....  
Chairman Senate Committee

*Ernest C. Moore*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Darrell Williams*  
.....  
Clerk of the Senate

*Donald L. Papp*  
.....  
Clerk of the House of Delegates

*Carl Roy Tomblin*  
.....  
President of the Senate

*Paul Abner*  
.....  
Speaker House of Delegates

The within *is disapproved* this the *24<sup>th</sup>*  
.....  
day of *March*....., 1995.

*Yaston Copert*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/55

Time 4:46 pm