WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED

SENATE BILL NO. 427

(By Senator CRAIGO)

PASSED March 9, 1996
In Effect NINETY DAYS FROM PASSAGE
ENROLLED

Senate Bill No. 427

(BY SENATOR CRAIGO)

[Passed March 9, 1996; in effect ninety days from passage.]

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 the contrary, and subject to the exceptions set forth in
subsection (b) and (c) of this section, no change order
executed or approved by the purchasing division for
commodities, business service contracts or professional
services may be made in excess of ten percent of the
original successful contract bid involving such contracts
with the state: Provided, That the provisions of this
article do not apply to alternate bids or to changes that
were unforeseen that may legitimately arise after perfor-
mane under a contract has begun, particularly in the
case of certain construction projects, contracts for
professional services and contracts regarding technology.
For the purposes of this section and article, “change
order” means a written command or directive to change,
alter, vary or modify a contract for commodities, busi-
ness services or professional services that results in
making an essential difference that may amount to a loss
of or change of original identity or a substitution of one
thing or another under the terms of the original success-
ful contract, including, but not limited to, services,
materials and labor that affects the original successful
contract bid price and usually results in an increase in
cost under that contract.

(b) In the event a change order in excess of the original
contract is made, the appropriate state agency is re-
quired to obtain approval from the joint committee on
government and finance prior to effectuating such
change order. Upon obtaining consent from the joint
committee on government and finance, the appropriate
state agency is authorized to effectuate the change order.

(c) In the event there is a need for a change order in
excess of ten percent of the original contract, such
change order shall be negotiated between the two lowest
competitive bidders on a competitive basis.
That Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.
In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within, disapproved this the 1st day of April, 19__

Governor