



Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

State of West Virginia  
**Master Agreement**

Order Date: 04-12-2022

CORRECT ORDER NUMBER MUST  
 APPEAR ON ALL PACKAGES, INVOICES,  
 AND SHIPPING PAPERS. QUESTIONS  
 CONCERNING THIS ORDER SHOULD BE  
 DIRECTED TO THE DEPARTMENT  
 CONTACT.

<b>Order Number:</b>	CMA 0803 0066 DOT6622C011E 2	<b>Procurement Folder:</b>	975023
<b>Document Name:</b>	Asphalt-Material & Pickup by WVDOH	<b>Reason for Modification:</b>	Change Order No. 1 - Administrative change order to change commodity line type from service to item.
<b>Document Description:</b>	Original Procurement Folder - 937308		
<b>Procurement Type:</b>	Central Master Agreement		
<b>Buyer Name:</b>			
<b>Telephone:</b>			
<b>Email:</b>			
<b>Shipping Method:</b>	Best Way	<b>Effective Start Date:</b>	2022-01-01
<b>Free on Board:</b>	FOB Dest, Freight Prepaid	<b>Effective End Date:</b>	2022-12-31

VENDOR		DEPARTMENT CONTACT	
<b>Vendor Customer Code:</b>	000000204845	<b>Requestor Name:</b>	Martha A Gibson
GREENBRIER EXCAVATING & PAVING INC PO BOX 277		<b>Requestor Phone:</b>	(304) 558-9495
RONCEVERTE WV 249700227 US		<b>Requestor Email:</b>	marty.a.gibson@wv.gov
<b>Vendor Contact Phone:</b>	304-647-4296	<div style="font-size: 48px; font-weight: bold;">22</div> <div style="font-size: 24px; font-weight: bold;">FILE LOCATION _____</div>	
<b>Extension:</b>			
<b>Discount Details:</b>			
<b>#1</b>	No	0.0000	0
<b>#2</b>	No		
<b>#3</b>	No		
<b>#4</b>	No		

INVOICE TO	SHIP TO
VARIOUS AGENCY LOCATIONS AS INDICATED BY ORDER	STATE OF WEST VIRGINIA VARIOUS LOCATIONS AS INDICATED BY ORDER
No City WV 99999 US	No City WV 99999 US

4-13-22 BAW

<b>Total Order Amount:</b>	Open End
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Purchasing Division's File Copy

**ENTERED**

**PURCHASING DIVISION AUTHORIZATION**  
 DATE: *Tara H 4/10/2022*  
 ELECTRONIC SIGNATURE ON FILE

**ATTORNEY GENERAL APPROVAL AS TO FORM**  
 DATE: *John S. Gray*  
 ELECTRONIC SIGNATURE ON FILE

**ENCUMBRANCE CERTIFICATION**  
*Beverly Tolson*  
 DATE: *4-14-22*  
 ELECTRONIC SIGNATURE ON FILE

*4/14/2022*

**Extended Description:**

Change Order No. 1 - Administrative change order to deactivate the Commodity Line 1 since it was set-up as a "service" line type rather than an "item" line type and to add Commodity Line 2 as an "item" line type for ordering and payment purposes. All terms, conditions, prices and specifications contained in the original contract remain the same.

All provisions of the original Contract and subsequent Change Orders not modified herein shall remain in full force and effect.

No other changes.

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
1	30121601				0.000000
	<b>Service From</b>	<b>Service To</b>			
	2022-01-01	2022-12-31	Commodity Ln Discontinued		

**Commodity Line Description:** ASPHALT-MATERIALS & PICKUP BY WVDOH

**Extended Description:**

See Commodity Line 2

ASPHALT-MATERIALS & PICKUP BY WVDOH:  
SEE PRICING PAGES FOR CONTRACT PRICING.

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
2	30121601			EA	0.000000
	<b>Service From</b>	<b>Service To</b>			
	2022-01-01	2022-12-31			

**Commodity Line Description:** ASPHALT-MATERIALS & PICKUP BY WVDOH

**Extended Description:**

ASPHALT-MATERIALS & PICKUP BY WVDOH:  
SEE PRICING PAGES FOR CONTRACT PRICING.



Lyle, Tara L <tara.l.lyle@wv.gov>

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## Service to Item Asphalt Contracts

1 message

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**James, Kristy E** <kristy.e.james@wv.gov>

Tue, Apr 12, 2022 at 7:13 AM

To: Tara L Lyle <Tara.L.Lyle@wv.gov>, Dusty J Smith <dusty.j.smith@wv.gov>

Tara,

DOH needs the Asphalt contracts to be set up as commodity item based contracts instead of service based contracts. We've developed a work around, so we are not in a rush to get them changed. We would like to have them corrected when it is most convenient for both Purchasing and the AG's Office. We are concerned that since paving season has started, we don't want to risk the contracts being unavailable.

Thanks

Kristy James  
WV DOT  
Procurement Officer  
304/414-7104

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MARK D. SCOTT  
CABINET SECRETARY


STATE OF WEST VIRGINIA  
DEPARTMENT OF ADMINISTRATION  
PURCHASING DIVISION

W. MICHAEL SHEETS  
DIRECTOR

## MEMORANDUM

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TO: Frank Whittaker, CPPB, Assistant Director, WV Purchasing Division

FROM: James Meadows, CPPO, General Counsel, WV Purchasing Division 

DATE: April 4, 2022

RE: HB 4499; Purchasing Affidavit; Interested Party Disclosure

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Pursuant to your request, I have investigated the impact of the recently passed House Bill 4499 on the bidding/contract award process as it relates to the Purchasing Affidavit and the Interested Party Disclosure Form. More specifically, you asked if the buying staff would need to continue collecting the two forms for contracts put out to bid, but not yet awarded, prior to the law change. My conclusion is that continuing to collect those forms is not necessary.

House Bill 4499 was a bill sponsored by the Governor's office, and made effective from passage, that made changes to various provisions of the West Virginia Code to make the procurement process more efficient. Two notable changes are the elimination of the need to collect the Purchasing Affidavit (previously found in W. Va. § Code 5A-3-10a) and the Interested Party Disclosure form (previously found in W. Va. Code § 6D-1-2) prior to award. Since the need for those forms prior to award was statutorily driven, and the statutes have now been modified, I see no reason to continue collecting them.

Once concern was that the solicitations issued prior to the laws passage reference the applicable statutes and indicate that the two forms will be needed prior to award. Those references were found in term 37 and term 43 of the General Terms and Conditions. From a priority standpoint, the change to the law would certainly trump the solicitation's terms and conditions. To help explain that inaccurate statement and the lack of the two forms in the procurement file, However, please request that procurement staff include a copy of this memo in all solicitation files that went out to bid prior to HB 4499 passing and contain the old versions of term 37 and term 43.