



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.

Order Number:	CMA 0803 0066 DOT6622C011L 2	Procurement Folder:	975051
Document Name:	Asphalt-Material & Pickup by WVDOH	Reason for Modification:	Change Order No. 1 - Administrative change order to change commodity line type from service to item.
Document Description:	Original Procurement Folder - 937308		
Procurement Type:	Central Master Agreement		
Buyer Name:			
Telephone:			
Email:			
Shipping Method:	Best Way	Effective Start Date:	2022-01-01
Free on Board:	FOB Dest, Freight Prepaid	Effective End Date:	2022-12-31

VENDOR			DEPARTMENT CONTACT		
Vendor Customer Code:	000000120293		Requestor Name:	Martha A Gibson	
NEW ENTERPRISE STONE & LIME CO INC PO BOX 77			Requestor Phone:	(304) 558-9495	
NEW ENTERPRISE PA 16664 US			Requestor Email:	marty.a.gibson@wv.gov	
Vendor Contact Phone:	814-766-2211	Extension:			
Discount Details:					
	Discount Allowed	Discount Percentage	Discount Days		
#1	No	0.0000	0	<div style="font-size: 48px; font-weight: bold;">22</div> <div style="font-size: 24px; font-weight: bold;">FILE LOCATION _____</div>	
#2	No				
#3	No				
#4	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 Bar

Purchasing Division's File Copy

Total Order Amount:	Open End
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ENTERED

JE 4/12/22

PURCHASING DIVISION AUTHORIZATION
 DATE: *Tarah 4/13/2022*
 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
	Service From	Service To			
	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
	Service From	Service To			
	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>

Service to Item Asphalt Contracts

1 message

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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- Exact Phrase [\(i\)](#)

Entity

Location

Entity Status

Active

Inactive




MARK D. SCOTT
CABINET SECRETARY

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION

W. MICHAEL SHEETS
DIRECTOR

MEMORANDUM

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

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.