

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

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5 FOR

6 **Senate Bill No. 553**

7 (SENATORS BEACH, MCCABE, MILLER AND STOLLINGS, *original sponsors*)

8 _____
9 [Passed April 11, 2013; in effect from passage.]
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13 AN ACT to amend and reenact §17-2D-2 and §17-2D-5 of the Code of
14 West Virginia, 1931, as amended, all relating to the
15 continuation of the Highway Design-Build Pilot Program;
16 changing the name to the Highway Design-Build Program;
17 removing the sunset date of the program; modifying limitations
18 on design-build projects; requiring identification of design-
19 build projects; modifying reporting requirements; and
20 requiring annual reporting.

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

22 That §17-2D-2 and §17-2D-5 of the Code of West Virginia, 1931,
23 as amended, be amended and reenacted, all to read as follows:

24 **ARTICLE 2D. HIGHWAY DESIGN-BUILD PROGRAM.**

1 **§17-2D-2. Highway Design-Build Program.**

2 (a) Notwithstanding any provision of this code to the
3 contrary, the Commissioner of the West Virginia Division of
4 Highways may expedite the construction of projects by combining the
5 design and construction elements of a highway or bridge project
6 into a single contract as provided in this article.

7 (b) The Division of Highways may expend no more than \$50
8 million in each year in the program: *Provided*, That if any of the
9 \$50 million is unused in one year, the remaining amount may be
10 applied to the following year's amount: *Provided, however*, That the
11 total aggregate amount to be expended may not exceed \$150 million
12 in any one year.

13 (c) A design-build project may be let to contract only in
14 accordance with the commissioner's established policies and
15 procedures concerning design-build projects.

16 (d) Projects receiving funding above the amount of federal
17 core funding as appropriated to the state by formula in a federal
18 highway authorization, currently titled MAP-21, may utilize the
19 program, but shall not be included in expenditure limits provided
20 by subsection (b) of this section.

21 **§17-2D-5. Report to the Legislature.**

22 On or before January 15, 2014, and annually thereafter, the
23 commissioner shall prepare and submit to the Joint Committee on
24 Government and Finance a written report evaluating the experience

1 of the Division of Highways with each project completed during the
2 prior calendar year, including whether the division realized any
3 cost or time savings, the number and cost of change orders, the
4 quality of work performed, the number of bids received and other
5 issues the commissioner considers appropriate: *Provided*, That the
6 report submitted on or before January 15, 2014, shall contain such
7 information as to all design-build projects that have been
8 completed under the program prior to 2014.