

1 **Senate Bill No. 282**

2 (By Senators Beach, Snyder, Laird, Yost, Green, Foster, Browning,
3 McCabe, Plymale, D. Facemire, Minard, Klempa, Williams and
4 Kessler (Acting President))

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6 [Introduced January 26, 2011; referred to the Committee on
7 Transportation and Infrastructure; and then to the Committee on
8 Finance.]
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13 A BILL to amend and reenact §17-2D-2 and §17-2D-5 of the Code of
14 West Virginia, 1931, as amended, all relating to continuing
15 the pilot Highway Design-Build Program.

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

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

19 **ARTICLE 2D. HIGHWAY DESIGN-BUILD PILOT PROGRAM.**

20 **§17-2D-2. Highway Design-Build Pilot Program.**

21 (a) Notwithstanding any provision of this code to the
22 contrary, the Commissioner of the West Virginia Division of
23 Highways may continue with the pilot program to expedite the
24 construction of no more than ten special projects, in addition to

1 the three projects authorized by prior enactment of this section,
2 by combining the design and construction elements of a highway or
3 bridge project into a single contract.

4 (b) A design-build project may not be let to contract after
5 June 30, ~~2011~~ 2013. The Division of Highways may expend no more
6 than \$50 million in each of the three years remaining in the pilot
7 program, for an aggregate total of \$150 million.

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

11 (d) After June 30, ~~2011~~ 2013, ~~no~~ projects may not be let under
12 the provisions of this article unless the West Virginia Legislature
13 either approves additional projects or makes the program permanent.

14 (e) Projects receiving special funding above the regular
15 federal core funding ~~including any Competitive Surface~~
16 ~~Transportation Grants received as a result of the American Recovery~~
17 ~~and Reinvestment Act of 2009~~, may utilize the pilot program, but
18 shall not be included in the total number of projects or
19 expenditure limits provided by subsections (a) and (b) of this
20 section.

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

22 On or before December 1, ~~2011~~ 2013, the commissioner shall
23 prepare and submit to the Joint Standing Committee on Government
24 Organization a report evaluating the experience of the Division of

1 Highways with each project, including whether the division realized
2 any cost or time savings, the number and cost of change orders, the
3 quality of work performed, the number of bids received and other
4 issues the commissioner considers appropriate.

NOTE: The purpose of this bill is to continue the Highway Design-build Pilot Program until June 2013.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.