1	Senate Bill No. 670
2	(By Senator Plymale)
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4	[Introduced February 20, 2012; referred to the Committee on
5	Transportation and Infrastructure; and then to the Committee on
6	Finance.]
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9	A BILL to amend and reenact §17-2D-2 of the Code of West Virginia,
10	1931, as amended, relating to eliminating provision that
11	prohibits a consultant engineer who prepares preliminary
12	plans, planning reports or other project development products
13	pursuant to certain statutory provisions from participating in
14	the construction of the project.
15	Be it enacted by the Legislature of West Virginia:
16	That §17-2D-2 of the Code of West Virginia, 1931, as amended,
17	be amended and reenacted to read as follows:
18	ARTICLE 2D. HIGHWAY DESIGN-BUILD PILOT PROGRAM.
19	§17-2D-2. Highway Design-Build Pilot Program.
20	(a) Notwithstanding any provision of this code to the
21	contrary, the Commissioner of the West Virginia Division of
22	Highways may continue with the pilot program to expedite the
23	construction of no more than ten special projects after the

- 1 effective date of the amendment to this article in the regular
- 2 session of 2011, in addition to the three projects authorized by
- 3 prior enactment of this section, by combining the design and
- 4 construction elements of a highway or bridge project into a single
- 5 contract.
- 6 (b) A design-build project may not be let to contract after
- 7 June 30, 2013. The Division of Highways may expend no more than
- 8 \$75 million in each of the two years remaining in the pilot program
- 9 after the effective date of the amendment to this article in the
- 10 regular session of 2011. Provided, That If any of the \$75 million
- 11 is unused in the first year, the remaining amount may be applied to
- 12 the following year's amount. Provided, however, That The total
- 13 aggregate amount to be expended after the effective date of the
- 14 amendment to this article in the regular session of 2011 may not
- 15 exceed \$150 million.
- 16 (c) A design-build project may be let to contract only in
- 17 accordance with the commissioner's established policies and
- 18 procedures concerning design-build projects.
- 19 (d) After June 30, 2013, projects may not be let under the
- 20 provisions of this article unless the West Virginia Legislature
- 21 either approves additional projects or makes the program permanent.
- 22 (e) Projects receiving special funding above the regular
- 23 federal core funding may utilize the pilot program but shall not be

- 1 included in the total number of projects or expenditure limits
- 2 provided by subsections (a) and (b) of this section.
- 3 (f) Effective after the effective date of the amendment to
- 4 this article in the regular session of 2011, no consultant engineer
- 5 who prepares preliminary plans, planning reports or other project
- 6 development products for a project pursuant to the provisions of
- 7 this section may participate in the construction of that project.

NOTE: The purpose of this bill is to eliminate a provision that prohibits a consultant engineer who prepares preliminary plans, planning reports or other project development products pursuant to certain statutory provisions from participating in the construction of the project.

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