

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENROLLED

House Bill 2942

BY DELEGATES STREET, ZATEZALO, ANDERSON, AND

FEHRENBACHER

[Passed April 12, 2025; in effect 90 days from
passage (July 11, 2025)]

1 AN ACT to amend and reenact §22-34-2 and §22-34-5 of the Code of West Virginia, 1931, as
2 amended, related to the administration of the West Virginia Department of Environmental
3 Protection Design-Build Pilot Program; extending and revising the sunset provision to
4 December 31, 2027; and increasing from \$50 million to \$75 million the maximum
5 aggregate value of all ongoing design-build projects that can be active at any time.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 34. DEPARTMENT OF ENVIRONMENTAL PROTECTION DESIGN-BUILD
PILOT PROGRAM.**

§22-34-2. West Virginia Department of Environmental Protection Design-Build Program.

6 (a) Notwithstanding any provision of this code to the contrary, the secretary of the West
7 Virginia Department of Environmental Protection may expedite the construction of projects by
8 combining the design and construction elements of a project into a single contract as provided in
9 this article.

10 (b) The secretary shall promulgate procedural rules as the secretary deems to be useful
11 or necessary to carry out the purpose of this article and to implement the intent of the Legislature
12 in accordance with the provisions of §29A-3-1 *et seq.* of this code, which must provide at a
13 minimum:

- 14 (1) The application process for approval of a design-build project;
- 15 (2) The procedure for selecting the most qualified design-builders prior to the release of
16 the invitation for proposals;
- 17 (3) The procedure for the preparation and contents of invitations for proposals;
- 18 (4) The procedure for preparing and submitting proposals;
- 19 (5) The procedure for evaluating proposals;
- 20 (6) The procedure for negotiations between the agency and those submitting proposals
21 prior to the acceptance of a proposal, if any such negotiations are contemplated;

(7) The procedure for awarding and executing design-build contracts; and

(8) The procedure for acting on formal protests relating to the solicitation or award of design-build contracts.

(c) A design-build project may be let to contract only in accordance with the secretary's procedural rules promulgated pursuant to the provisions of this article: *Provided*, That only contracts awarded directly by the Department of Environmental Protection may utilize the design-build delivery method authorized pursuant to the provisions of this article: *Provided, however*, design-build delivery projects awarded pursuant to the provisions of this article may not exceed a total aggregate value of \$75 million.

§22-34-5. Report to the Legislature; sunset date.

(a) On or before January 15, 2024, annually, the secretary shall prepare and submit to the Joint Committee on Government and Finance a written report, which may be transmitted electronically, evaluating the experience of the West Virginia Department of Environmental Protection with each design-built project completed pursuant to the provisions of this article during the prior calendar year, including whether the department realized any cost or time savings, the number and cost of change orders, the quality of work performed, the number of bids received, and other issues the secretary considers appropriate.

(b) The provisions of this article expire and shall have no force and effect after December 31, 2027.

The Clerk of the House of Delegates and the Clerk of the Senate hereby
certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2025.

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Governor