

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 690

BY SENATOR M. MAYNARD

[Reported February 17, 2026, from the Committee on
Transportation and Infrastructure]

1 A BILL to amend and reenact §17-2D-1, §17-2D-2, and §17-2D-5 of the Code of West Virginia,
2 1931, as amended; and to amend the code by adding a new section, designated §17-2D-
3 6, relating to alternative procurement methods for the Division of Highways; expanding
4 scope of Highway Design-Build Program; modifying monetary limits in Highway Design-
5 Build Program; authorizing use of Construction Manager/General Contractor Contracting;
6 requiring rulemaking; imposing monetary limits on use of Construction Manager/General
7 Contractor Contracting; and requiring the Division of Highways to report to the Legislature
8 on the use of alternative project delivery methods.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 2D. ~~HIGHWAY DESIGN-BUILD PILOT PROGRAM~~ALTERNATIVE
PROJECT DELIVERY ACT.**

§17-2D-1. Short title.

1 This article shall be known and may be cited as the ~~West Virginia Highway Design-Build~~
2 ~~Pilot Program~~ Alternative Project Delivery Act.

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

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

5 (b)(1) ~~The Division of Highways may contractually obligate no more than \$50 million in~~
6 ~~each year in the program: *Provided*, That if any of the \$50 million is not so contractually obligated~~
7 ~~in one year, the remaining amount may be applied to the following year's contractual obligation~~
8 ~~amount: *Provided, however*, That the total aggregate amount to be contractually obligated may~~
9 ~~not exceed \$150 million in any one year: *Provided further*, That for fiscal years beginning after~~
10 ~~June 30, 2017, the Division of Highways may contractually obligate no more than \$200 million on~~

11 ~~any one project: *And provided further*, That for fiscal years beginning after June 30, 2017, the~~
12 ~~Division of Highways may contractually obligate no more than \$400 million in each year in the~~
13 ~~program: *And provided further*, That for fiscal years beginning after June 30, 2017, if any of the~~
14 ~~\$400 million is not contractually obligated in any year, the remaining amount may be applied to~~
15 ~~the following year's contract obligation amount: *And provided further*, That for fiscal years~~
16 ~~beginning after June 30, 2017, the total aggregate amount to be contractually obligated may not~~
17 ~~exceed \$500 million in any one year.~~

18 ~~(2) Notwithstanding the limits set forth in §17-2D-2(b)(1) of this code, for projects financed~~
19 ~~without bonds for fiscal years beginning after June 30, 2019, For design-build projects authorized~~
20 ~~by this section, the Division of Highways may contractually obligate in the program:~~

- 21 (A) No more than \$200 million on any one project;
- 22 (B) No more than \$200 million in each fiscal year; and
- 23 (C) No more than \$300 million in the total aggregate amount in any one fiscal year.

24 ~~(3) (2) Notwithstanding and in addition to the limits set forth in §17-2D-2(b)(1) and §17-~~
25 ~~2D-2(b)(2) of this code subdivision (1) of this subsection, for projects financed with bonds for fiscal~~
26 ~~years beginning after June 30, 2018, the Division of Highways may contractually obligate in the~~
27 ~~program:~~

- 28 (A) No more than \$300 million on any one project;
- 29 (B) No more than \$600 million in each fiscal year; and
- 30 (C) No more than \$700 million in the total aggregate amount in any one fiscal year.

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

33 (d) Projects receiving funding above the amount of federal core funding as appropriated
34 to the state by formula in a federal highway authorization, ~~currently titled MAP-21~~, may utilize the
35 program, but shall not be included in calculating contractual obligation limits provided by
36 subsection (b) of this section.

37 (e) The contractual obligations made for projects that are necessitated by a declared state
38 of emergency within a county that the Governor has included in a declaration of emergency shall
39 not be included in calculating contractual obligation limits provided in §17-2D-2(b) of this code.

§17-2D-5. Report to the Legislature.

1 On or before January 15, 2014, and annually thereafter, the commissioner shall prepare
2 and submit to the Joint Committee on Government and Finance a written report evaluating the
3 experience of the Division of Highways with each project completed using an alternative project
4 delivery method authorized by this article during the prior calendar year, including whether the
5 division realized any cost or time savings, the number and cost of change orders, the quality of
6 work performed, the number of bids received, and other issues the commissioner considers
7 appropriate: ~~Provided, That the report submitted on or before January 15, 2014, shall contain~~
8 ~~such information as to all design-build projects that have been completed under the program prior~~
9 ~~to 2014.~~

§17-2D-6. Construction Manager/General Contractor Contracting Program.

1 (a) The Commissioner of Highways is authorized to enter into agreements that incorporate
2 the Construction Manager/General Contractor (CM/GC) contracting procedures for projects in
3 accordance with 23 U.S.C. § 112 and 23 C.F.R. § 635 Subpart E.

4 (b) The commissioner shall propose rules for legislative approval in accordance with the
5 provisions of §29A-3-1 et seq. of this code that set forth what conditions the commissioner shall
6 consider in entering into CM/GC agreements, any necessary or preferred terms that should be
7 incorporated into these agreements, and any other guidelines or standards that are relevant to
8 the implementation of this section. The commissioner may not enter into any CM/GC agreement
9 until such rules have been proposed, and any CM/GC agreement shall be subject to such rules.

10 (c) For CM/GC projects authorized by this section, the Division of Highways may
11 contractually obligate in the program:

12 (1) No more than \$200 million on any one project;

- 13 (2) No more than \$200 million in each fiscal year; and
- 14 (3) No more than \$300 million in the total aggregate amount in any one fiscal year.
- 15 (d) Projects receiving funding above the amount of federal core funding as appropriated
16 to the state by formula in a federal highway authorization may utilize the CM/GC Contracting
17 Program and may not be included in calculating contractual obligation limits set forth in subsection
18 (c) of this section.
- 19 (e) The contractual obligations made for projects that are necessitated by a declared state
20 of emergency within a county that the Governor has included in a declaration of emergency may
21 not be included in calculating contractual obligation limits set forth in subsection (c) of this section.