

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4992

By Delegates McGeehan, McCormick, Chiarelli,

Willis, Ridenour, and Street

[By Request of the Division of Highways]

[Introduced January 30, 2026; referred to the

Committee on Government Organization]

1 A BILL to amend and reenact §17-2D-1 and §17-2D-2 of the Code of West Virginia, 1931, as
 2 amended; and to amend the code by adding a new section, designated §17-2D-6, relating
 3 to the creation of an alternative procurement procedure called the "general
 4 contractor/construction manager" procedure, and authorizing the Division of Highways to
 5 promulgate rules thereabout.

Be it enacted by the Legislature of West Virginia:

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

§17-2D-1. Short title.

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

§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, buildings, or grounds~~ project into a
 4 single contract as provided in this article.

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 not
 9 exceed \$150 million in any one year: *Provided further*, That for fiscal years beginning after June
 10 30, 2017, the Division of Highways may contractually obligate no more than \$200 million on any
 11 one project: *And provided further*, That for fiscal years beginning after June 30, 2017, the Division
 12 of Highways may contractually obligate no more than \$400 million in each year in the program:
 13 *And provided further*, That for fiscal years beginning after June 30, 2017, if any of the \$400 million

is not contractually obligated in any year, the remaining amount may be applied to the following year's contract obligation amount: *And provided further*, That for fiscal years beginning after June 30, 2017, the total aggregate amount to be contractually obligated may not exceed \$500 million in any one year.

(2) Notwithstanding the limits set forth in §17-2D-2(b)(1) of this code, for projects financed without bonds for fiscal years beginning after June 30, 2019, the Division of Highways may contractually obligate in the program:

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

(B) No more than \$200 million in each year; and

(C) No more than \$300 million in the total aggregate amount in any one year.

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

(A) No more than \$300 million on any one project;

(B) No more than \$600 million in each year; and

(C) No more than \$700 million in the total aggregate amount in any one year.

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

(d) Projects receiving funding above the amount of federal core funding as appropriated to the state by formula in a federal highway authorization, currently titled MAP-21, may utilize the program, but shall not be included in calculating contractual obligation limits provided by §17-2D-2(b) of this code.

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

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

1 The Commissioner of Highways is authorized to enter into agreements which incorporate
2 the general contractor/construction manager contracting procedures for projects, in accordance
3 with 23 U.S.C. 112 and 23 CFR §635 Subpart E. General contractor/construction manager
4 agreements are not subject to the requirements set forth for traditional design-build bids, as set
5 forth in this article. The Commissioner may promulgate procedural rules, in accordance with
6 §29A-3-4 of this code, which set forth what conditions the Commissioner shall consider in entering
7 into these agreements, any necessary or preferred terms which should be incorporated into these
8 agreements, and any other guidelines or standards which are relevant to the implementation of
9 this section.

NOTE: The purpose of this chapter is to authorize the use of certain alternative contracting procedures, to prescribe appropriate requirements to ensure that such contracting procedures serve the public interest, and to establish a process for evaluation of such contracting procedures.

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