

**West Virginia Department of
Environmental Protection
Design-Build Pilot Report**



**Report to the Joint Committee on
Government and Finance**

January 15th 2024

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Environmental Protection Design-Build Pilot
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This report has been prepared in accordance with West Virginia Code Chapter 17

As per the legislation, on or before January 15th 2024, and annually thereafter, 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 of 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.

WVDEP Design-Build Pilot 2023

During 2023, the West Virginia Department of Environmental Protection (WVDEP) took steps toward implementing Design Build. The Department met with stakeholders to generate the procedural rule and learn best practices, selected projects suitable for design build, sent staff to design build training, and began the process to onboard an Owners Advisor.

DEP held meetings with various stakeholders after passage of SB 439 to solicit input on implementation as well as generation of the procedural rule. Stakeholders include members of the West Virginia Contractors Association, contractors, engineering consultants as well as Design Build Institute of America (DBIA). The final draft was completed, with input from those identified above, in Fall of 2023.

The agency received feedback from stakeholders indicating Design-Build processes currently used in West Virginia could be improved upon. As a result of the feedback, the agency held various meetings with DBIA to learn how other states across the country successfully implement design build. Reoccurring feedback indicated that the approach currently taken follows more of a design bid build process instead of true Design-Build process.

To prepare for a change in approach and to make sure Design-Build best practices were followed, the agency sent staff through training offered by DBIA. DEP Engineers, Inspectors, Procurement staff and Administrative staff attended the training, with several earning Design-Build certifications.

In keeping with DBIA's Best Practices, a Request for Information was issued through the West Virginia Purchasing Division on 11/1/23 to gain information and interest from qualified Owners Advisor vendors. The RFI closed on 11/28/23 and information packets received were reviewed to aid in the subsequent Expression of Interest for Owner Advisor services.

Division of Land Restoration stakeholders conducted market research and wrote a new EOI to better fit the Owner Advisor. In conjunction with the EOI, new statement of qualifications requirements were developed. A Centralized Standard Requisition was completed and submitted 1/4/24 for the services. It is anticipated that the solicitation will be published by 2/1/24.

Project List

- Meadow Fork Clogged Stream: **\$14M**
- Morgantown Drilling/Grouting: **\$10.2M**
- Richard Mine Drainage - Stream Restoration: **\$2M**
- Vassar Lane Vertical Opening Ph. II: **\$5.8M**
- Gold Resources, LLC: **\$4.5M**