

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 282

(SENATORS BEACH, SNYDER, LAIRD, YOST, GREEN, FOSTER,
BROWNING, MCCABE, PLYMALE, D. FACEMIRE, MINARD, KLEMPA,
WILLIAMS AND KESSLER (ACTING PRESIDENT), *original sponsors*)

[Passed March 9, 2011; in effect from passage.]

AN ACT to amend and reenact §17-2D-2 and §17-2D-5 of the Code of West Virginia, 1931, as amended, all relating to the Highway Design-Build Pilot Program; continuing the Highway Design-Build Pilot Program for two years; increasing the annual amounts which may be expended on design-build projects; authorizing additional projects after the effective date of this amendment; and providing that consultant engineers involved in the preliminary planning of a design-build project may not participate in the construction of that project.

Be it enacted by the Legislature of West Virginia:

That §17-2D-2 and §17-2D-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2D. HIGHWAY DESIGN-BUILD PILOT PROGRAM.

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

1 (a) Notwithstanding any provision of this code to the
2 contrary, the Commissioner of the West Virginia Division of
3 Highways may continue with the pilot program to expedite
4 the construction of no more than ten special projects after
5 the effective date of the amendment to this article in the
6 regular session of 2011, in addition to the three projects
7 authorized by prior enactment of this section, by combining
8 the design and construction elements of a highway or bridge
9 project into a single contract.

10 (b) A design-build project may not be let to contract after
11 June 30, 2013. The Division of Highways may expend no
12 more than \$75 million in each of the two years remaining in
13 the pilot program after the effective date of the amendment
14 to this article in the regular session of 2011: *Provided*, That
15 if any of the \$75 million is unused in the first year, the
16 remaining amount may be applied to the following year's
17 amount: *Provided, however*, That the total aggregate amount
18 to be expended after the effective date of the amendment to
19 this article in the regular session of 2011 may not exceed
20 \$150 million.

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

24 (d) After June 30, 2013, projects may not be let under the
25 provisions of this article unless the West Virginia Legislature
26 either approves additional projects or makes the program
27 permanent.

28 (e) Projects receiving special funding above the regular
29 federal core funding may utilize the pilot program, but shall
30 not be included in the total number of projects or expendi-
31 ture limits provided by subsections (a) and (b) of this section.

32 (f) Effective after the effective date of the amendment to
33 this article in the regular session of 2011, no consultant

34 engineer who prepares preliminary plans, planning reports
35 or other project development products for a project pursuant
36 to the provisions of this section may participate in the
37 construction of that project.

§17-2D-5. Report to the Legislature.

1 On or before December 1, 2013, the commissioner shall
2 prepare and submit to the Joint Standing Committee on
3 Government Organization a report evaluating the experience
4 of the Division of Highways with each project, including
5 whether the division realized any cost or time savings, the
6 number and cost of change orders, the quality of work
7 performed, the number of bids received and other issues the
8 commissioner considers appropriate.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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Acting President of the Senate

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Speaker of the House of Delegates

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Day of, 2011.

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Governor