

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 553**

6 (By Senators Beach, McCabe, Miller and Stollings)

7 \_\_\_\_\_  
8 [Originating in the Committee on Finance;  
9 reported March 27, 2013.]  
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12  
13 A BILL to amend and reenact §17-2D-2 and §17-2D-5 of the Code of  
14 West Virginia, 1931, as amended, all relating to the  
15 continuation of the Highway Design-Build Pilot Program;  
16 changing the name to the Highway Design-Build Program;  
17 removing the sunset date of the program; modifying limitations  
18 on design-build projects; requiring identification of design-  
19 build projects; modifying reporting requirements; and  
20 requiring annual reporting.

21 *Be it enacted by the Legislature of West Virginia:*

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

24 **ARTICLE 2D. HIGHWAY DESIGN-BUILD PROGRAM.**

1 **§17-2D-2. Highway Design-Build Program.**

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

11 (b) ~~A design-build project may not be let to contract after~~  
12 ~~June 30, 2013.~~ The Division of Highways may expend no more than  
13 \$75 \$50 million in each ~~of the two years remaining year~~ in the  
14 ~~pilot program after the effective date of the amendment to this~~  
15 ~~article in the regular session of 2011: Provided,~~ That if any of  
16 the \$75 \$50 million is unused in ~~the first one~~ one year, the remaining  
17 amount may be applied to the following year's amount: *Provided,*  
18 *however,* That the total aggregate amount to be expended ~~after the~~  
19 ~~effective date of the amendment to this article in the regular~~  
20 ~~session of 2011~~ may not exceed \$150 million in any one year.

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~~

1 ~~provisions of this article unless the West Virginia Legislature~~  
2 ~~either approves additional projects or makes the program permanent.~~

3 ~~(e)~~ (d) Projects receiving ~~special~~ funding above the amount of  
4 ~~regular~~ federal core funding as appropriated to the state by  
5 formula in a federal highway authorization, currently titled MAP-  
6 21, may utilize the ~~pilot~~ program, but shall not be included in ~~the~~  
7 ~~total number of projects or expenditure limits provided by~~  
8 ~~subsections~~ subsection (a) and (b) of this section.

9 ~~(f)~~ ~~Effective after the effective date of the amendment to~~  
10 ~~this article in the regular session of 2011, no consultant engineer~~  
11 ~~who prepares preliminary plans, planning reports or other project~~  
12 ~~development products for a project pursuant to the provisions of~~  
13 ~~this section may participate in the construction of that project.~~

14 **§17-2D-5. Report to the Legislature.**

15 On or before ~~December 1, 2013,~~ January 15, 2014, and annually  
16 thereafter, the commissioner shall prepare and submit to the Joint  
17 ~~Standing~~ Committee on Government ~~Organization~~ and Finance a written  
18 report evaluating the experience of the Division of Highways with  
19 each project completed during the prior calendar year, including  
20 whether the division realized any cost or time savings, the number  
21 and cost of change orders, the quality of work performed, the  
22 number of bids received and other issues the commissioner considers  
23 appropriate: Provided, That the report submitted on or before  
24 January 15, 2014, shall contain such information as to all design-

1 build projects that have been completed under the program prior to  
2 2014.