

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2013



ENROLLED

COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 553

(SENATORS BEACH, McCABE, MILLER AND STOLLINGS,
ORIGINAL SPONSORS)

[PASSED APRIL 11, 2013; IN EFFECT FROM PASSAGE.]

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Senate Bill No. 553

(SENATORS BEACH, MCCABE, MILLER AND STOLLINGS,
original sponsors)

[Passed April 11, 2013; 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 continuation of the Highway Design-Build Pilot Program; changing the name to the Highway Design-Build Program; removing the sunset date of the program; modifying limitations on design-build projects; requiring identification of design-build projects; modifying reporting requirements; and requiring annual reporting.

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 PROGRAM.

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

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

7 (b) The Division of Highways may expend no more than
8 \$50 million in each year in the program: *Provided*, That if
9 any of the \$50 million is unused in one year, the remaining
10 amount may be applied to the following year's amount:
11 *Provided, however*, That the total aggregate amount to be
12 expended may not exceed \$150 million in any one year.

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

16 (d) Projects receiving funding above the amount of
17 federal core funding as appropriated to the state by formula
18 in a federal highway authorization, currently titled MAP-21,
19 may utilize the program, but shall not be included in
20 expenditure limits provided by subsection (b) of this section.

§17-2D-5. Report to the Legislature.

1 On or before January 15, 2014, and annually thereafter,
2 the commissioner shall prepare and submit to the Joint
3 Committee on Government and Finance a written report
4 evaluating the experience of the Division of Highways with
5 each project completed during the prior calendar year,
6 including whether the division realized any cost or time
7 savings, the number and cost of change orders, the quality of
8 work performed, the number of bids received and other issues

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9 the commissioner considers appropriate: *Provided*, That the
10 report submitted on or before January 15, 2014, shall contain
11 such information as to all design-build projects that have
12 been completed under the program prior to 2014.

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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President of the Senate

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Speaker of the House of Delegates

The within this the

Day of, 2013.

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Governor