

COMMITTEE SUBSTITUTE

FOR

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Senate Bill No. 553

(By Senators Beach, McCabe, Miller and Stollings)

[Originating in the Committee on Finance;
reported March 27, 2013.]

A BILL 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 ~~continue with the pilot program to expedite~~
4 the construction of ~~no more than ten special projects after the~~
5 ~~effective date of the amendment to this article in the regular~~
6 ~~session of 2011, in addition to the three projects authorized~~
7 ~~by prior enactment of this section, by combining the design~~
8 and construction elements of a highway or bridge project into
9 a single contract as provided in this article.

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 \$50 million in each of the two years remaining
13 year in the pilot program ~~after the effective date of the~~
14 ~~amendment to this article in the regular session of 2011:~~
15 *Provided,* That if any of the \$75 \$50 million is unused in ~~the~~
16 ~~first~~ one year, the remaining amount may be applied to the
17 following year's amount: *Provided, however,* That the total

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18 aggregate amount to be expended ~~after the effective date of~~
19 ~~the amendment to this article in the regular session of 2011~~
20 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~~
25 ~~provisions of this article unless the West Virginia Legislature~~
26 ~~either approves additional projects or makes the program~~
27 ~~permanent.~~

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

34 ~~(f) Effective after the effective date of the amendment to~~
35 ~~this article in the regular session of 2011, no consultant~~
36 ~~engineer who prepares preliminary plans, planning reports or~~

37 other project development products for a project pursuant to
38 ~~the provisions of this section may participate in the~~
39 ~~construction of that project.~~

§17-2D-5. Report to the Legislature.

1 On or before ~~December 1, 2013,~~ January 15, 2014, and
2 annually thereafter, the commissioner shall prepare and
3 submit to the Joint ~~Standing~~ Committee on Government
4 ~~Organization and Finance~~ a written report evaluating the
5 experience of the Division of Highways with each project
6 completed during the prior calendar year, including whether
7 the division realized any cost or time savings, the number and
8 cost of change orders, the quality of work performed, the
9 number of bids received and other issues the commissioner
10 considers appropriate: Provided, That the report submitted on
11 or before January 15, 2014, shall contain such information as
12 to all design-build projects that have been completed under
13 the program prior to 2014.