

# WEST VIRGINIA CODE: §17-2D-2

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

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

(b)(1) The Division of Highways may contractually obligate no more than \$50 million in each year in the program: Provided, That if any of the \$50 million is not so contractually obligated in one year, the remaining amount may be applied to the following year's contractual obligation amount: Provided, however, That the total aggregate amount to be contractually obligated may not exceed \$150 million in any one year: Provided further, That for fiscal years beginning after June 30, 2017, the Division of Highways may contractually obligate no more than \$200 million on any one project: And provided further, That for fiscal years beginning after June 30, 2017, the Division of Highways may contractually obligate no more than \$400 million in each year in the program: And provided further, That for fiscal years beginning after June 30, 2017, if any of the \$400 million is not contractually obligated in any year, the remaining amount may be applied to the following year's contract obligation amount: And provided further, That for fiscal years beginning after June 30, 2017, the total aggregate amount to be contractually obligated may not exceed \$500 million in any one year.

(2) Notwithstanding the limits set forth in §17-2D-2(b)(1) of this code, for projects financed without bonds for fiscal years beginning after June 30, 2019, the Division of Highways may contractually obligate in the program:

- (A) No more than \$200 million on any one project;
- (B) No more than \$200 million in each year; and
- (C) No more than \$300 million in the total aggregate amount in any one year.

(3) Notwithstanding and in addition to the limits set forth in §17-2D-2(b)(1) and §17-2D-2(b)(2) of this code, for projects financed with bonds for fiscal years beginning after June 30, 2018, the Division of Highways may contractually obligate in the program:

- (A) No more than \$300 million on any one project;
- (B) No more than \$600 million in each year; and
- (C) No more than \$700 million in the total aggregate amount in any one year.

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

(d) Projects receiving funding above the amount of federal core funding as appropriated to the state by formula in a federal highway authorization, currently titled MAP-21, may utilize the program, but shall not be included in calculating contractual obligation limits provided by §17-2D-2(b) of this code.

(e) The contractual obligations made for projects that are necessitated by a declared state of emergency within a county that the Governor has included in a declaration of emergency shall not be included in calculating contractual obligation limits provided in §17-2D-2(b) of this code.