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 any project into a single contract as provided in this article for design-build projects.

(b)(1) For design-build projects authorized by this section, 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 fiscal year; and

(C) No more than $300 million in the total aggregate amount in any one fiscal year.

(2) Notwithstanding and in addition to the limits set forth in subdivision (1) of this subsection, for projects financed with bonds, 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 fiscal year; and

(C) No more than $700 million in the total aggregate amount in any one fiscal 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 may utilize the program, but shall not be included in calculating contractual obligation limits provided by subsection (b) of this section.

(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.

WV Legislature