WEST VIRGINIA CODE: §17-2D-6

§17-2D-6. Construction Manager/General Contractor Contracting Program.

(a) The Commissioner of Highways is authorized to enter into agreements that incorporate the Construction Manager/General Contractor (CM/GC) contracting procedures for projects in accordance with 23 U.S.C. § 112 and 23 C.F.R. § 635 Subpart E.

(b) The commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code that set forth what conditions the commissioner shall consider in entering into CM/GC agreements, any necessary or preferred terms that should be incorporated into these agreements, and any other guidelines or standards that are relevant to the implementation of this section. The commissioner may not enter into any CM/GC agreement until such rules have been proposed, and any CM/GC agreement shall be subject to such rules.

(c) For CM/GC projects authorized by this section, the Division of Highways may contractually obligate in the program:

(1) No more than $200 million on any one project;

(2) No more than $200 million in each fiscal year; and

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

(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 CM/GC Contracting Program and may not be included in calculating contractual obligation limits set forth in subsection (c) 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 may not be included in calculating contractual obligation limits set forth in subsection (c) of this section.

WV Legislature