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2009 APR 30 PM 4: 48

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2009



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2753**

(By Delegates Stephens, Klempa, D. Poling, Swartzmiller and Perry)



Passed April 9, 2009

In Effect from Passage

ESL&GH

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

H. B. 2753

(BY DELEGATES STEPHENS, KLEMPA,
D. POLING, SWARTZMILLER AND PERRY)

[Passed April 9, 2009; in effect from passage.]

AN ACT to amend and reenact §17-2D-2, §17-2D-3 and §17-2D-5 of the Code of West Virginia, 1931, as amended, all relating to the continuation of the Design-Build Program.

Be it enacted by the Legislature of West Virginia:

That §17-2D-2, §17-2D-3 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 PILOT PROGRAM.

§17-2D-2. Highway Design-Build Pilot 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, in
5 addition to the three projects authorized by prior enactment
6 of this section, by combining the design and construction
7 elements of a highway or bridge project into a single
8 contract.

9 (b) A design-build project may not be let to contract after
10 June 30, 2011. The Division of Highways may expend no
11 more than \$50 million in each of the three years remaining in
12 the pilot program, for an aggregate total of \$150 million.

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) After June 30, 2011, no projects may be let under the
17 provisions of this article unless the West Virginia Legislature
18 either approves additional projects or makes the program
19 permanent.

20 (e) Projects receiving special funding above the regular
21 federal core funding, including any Competitive Surface
22 Transportation Grants received as a result of the American
23 Recovery and Reinvestment Act of 2009, may utilize the
24 pilot program, but shall not be included in the total number
25 of projects or expenditure limits provided by subsections (a)
26 and (b) of this section.

§17-2D-3. Invitation for bids.

1 (a) The division shall prepare an invitation for bids for
2 prequalified design-builders, which must provide at a
3 minimum:

4 (1) The procedures to be followed for submitting bids and
5 the procedures for making awards;

6 (2) The proposed general terms and conditions for the
7 design-build contract;

8 (3) The description of the drawings, specifications or
9 other information to be submitted with the bid, with guidance
10 as to the form and level of completeness of the drawings,
11 specifications or submittals that will be acceptable;

12 (4) A proposed time schedule commencement and
13 completion of the design-build contract;

14 (5) Budget limits for the design-build contract, if any;

15 (6) Requirements or restrictions for the subletting of
16 specific portions of the design-build contract, if any; and

17 (7) Requirements for performance bonds, payment bonds,
18 insurance, professional liability insurance and workers'
19 compensation coverage.

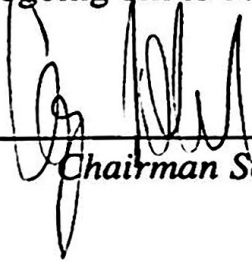
20 (b) The division shall make available to the qualified
21 design-builders, a list of prequalified consultants, approved
22 subcontractors, suppliers and sureties, as applicable,
23 additional information including, but not limited to, surveys,
24 soils reports, drawings or information regarding existing
25 structures, environmental studies, photographs or references
26 to public records, or other pertinent information.

27 (c) The division shall set forth its needs with sufficient
28 clarity to assure that there is a comprehensive understanding
29 of the project's scope and requirement.

§17-2D-5. Report to the Legislature.

1 On or before December 1, 2011, the commissioner shall
2 prepare and submit to the Joint Standing Committee on
3 Government Organization a report evaluating the experience
4 of the Division of Highways with each project, including
5 whether the division realized any cost or time savings, the
6 number and cost of change orders, the quality of work
7 performed, the number of bids received and other issues the
8 commissioner considers appropriate.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



Chairman House Committee

Originating in the House.

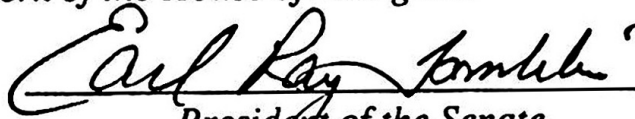
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates




President of the Senate



Speaker of the House of Delegates

The within is approved this the 30th
day of April, 2009.



Governor

PRESENTED TO THE
GOVERNOR

APR 28 2009

Time 2:14 pm