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
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.


1 (a) Notwithstanding any provision of this code to the contrary, the Commissioner of the West Virginia Division of
Highways may continue with the pilot program to expedite
the construction of no more than ten special projects, in
addition to the three projects authorized by prior enactment
of this section, by combining the design and construction
elements of a highway or bridge project into a single
contract.

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

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

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

§17-2D-3. Invitation for bids.

(a) The division shall prepare an invitation for bids for
prequalified design-builders, which must provide at a
minimum:
(1) The procedures to be followed for submitting bids and the procedures for making awards;

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

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

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

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

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

(7) Requirements for performance bonds, payment bonds, insurance, professional liability insurance and workers’ compensation coverage.

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

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

§17-2D-5. Report to the Legislature.
On or before December 1, 2011, the commissioner shall prepare and submit to the Joint Standing Committee on Government Organization a report evaluating the experience of the Division of Highways with each project, including whether the division realized any cost or time savings, the number and cost of change orders, the quality of work performed, the number of bids received and other issues the 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 p.m.