WEST VIRGINIA LEGISLATURE
EIGHTIETH LEGISLATURE
REGULAR SESSION, 2011

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 282

(SENATORS BEACH, SNYDER, LAIRD, YOST,
GREEN, FOSTER, BROWNING, MCCABE, PLYMALE,
D. FACEMIRE, MINARD, KLEMPA, WILLIAMS
AND KESSLER (ACTING PRESIDENT), ORIGINAL SPONSORS)

[PASSED MARCH 9, 2011; IN EFFECT FROM PASSAGE.]
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 282

(SENATORS BEACH, SNYDER, LAIRD, YOST, GREEN, FOSTER, BROWNING, MCCABE, PLYMALE, D. FACEMIRE, MINARD, KLEMPA, WILLIAMS AND KESSLER (ACTING PRESIDENT), original sponsors)

[Passed March 9, 2011; in effect from passage.]

AN ACT to amend and reenact §17-2D-2 and §17-2D-5 of the Code of West Virginia, 1931, as amended, all relating to the Highway Design-Build Pilot Program; continuing the Highway Design-Build Pilot Program for two years; increasing the annual amounts which may be expended on design-build projects; authorizing additional projects after the effective date of this amendment; and providing that consultant engineers involved in the preliminary planning of a design-build project may not participate in the construction of that project.

Be it enacted by the Legislature of West Virginia:

That §17-2D-2 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.

(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 after the effective date of the amendment to this article in the regular session of 2011, 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, 2013. The Division of Highways may expend no more than $75 million in each of the two years remaining in the pilot program after the effective date of the amendment to this article in the regular session of 2011: Provided, That if any of the $75 million is unused in the first year, the remaining amount may be applied to the following year's amount: Provided, however, That the total aggregate amount to be expended after the effective date of the amendment to this article in the regular session of 2011 may not exceed $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, 2013, projects may not 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 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.

(f) Effective after the effective date of the amendment to this article in the regular session of 2011, no consultant
engineer who prepares preliminary plans, planning reports
or other project development products for a project pursuant
to the provisions of this section may participate in the
construction of that project.

§17-2D-5. Report to the Legislature.

On or before December 1, 2013, 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

Acting President of the Senate

Speaker of the House of Delegates

The within was approved this the 21st Day of ..........................................., 2011.

Governor