

SB 553

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2013



ENROLLED
COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 553

(SENATORS BEACH, McCABE, MILLER AND STOLLINGS,
ORIGINAL SPONSORS)

[PASSED APRIL 11, 2013; IN EFFECT FROM PASSAGE.]

2013 APR 30 PM 2:44
FILED
SECRETARY OF STATE

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Senate Bill No. 553

(SENATORS BEACH, MCCABE, MILLER AND STOLLINGS,
original sponsors)

[Passed April 11, 2013; 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 continuation of the Highway Design-Build Pilot Program; changing the name to the Highway Design-Build Program; removing the sunset date of the program; modifying limitations on design-build projects; requiring identification of design-build projects; modifying reporting requirements; and requiring annual reporting.

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- BUILDPROGRAM.

§17-2D-2. Highway Design-Build Program.

1 (a) Notwithstanding any provision of this code to the
2 contrary, the Commissioner of the West Virginia Division of
3 Highways may expedite the construction of projects by
4 combining the design and construction elements of a highway
5 or bridge project into a single contract as provided in this
6 article.

7 (b) The Division of Highways may expend no more than
8 \$50 million in each year in the program: *Provided*, That if
9 any of the \$50 million is unused in one year, the remaining
10 amount may be applied to the following year's amount:
11 *Provided, however*, That the total aggregate amount to be
12 expended may not exceed \$150 million in any one year.

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) Projects receiving funding above the amount of
17 federal core funding as appropriated to the state by formula
18 in a federal highway authorization, currently titled MAP-21,
19 may utilize the program, but shall not be included in
20 expenditure limits provided by subsection (b) of this section.

§17-2D-5. Report to the Legislature.

1 On or before January 15, 2014, and annually thereafter,
2 the commissioner shall prepare and submit to the Joint
3 Committee on Government and Finance a written report
4 evaluating the experience of the Division of Highways with
5 each project completed during the prior calendar year,
6 including whether the division realized any cost or time
7 savings, the number and cost of change orders, the quality of
8 work performed, the number of bids received and other issues

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9 the commissioner considers appropriate: *Provided*, That the
10 report submitted on or before January 15, 2014, shall contain
11 such information as to all design-build projects that have
12 been completed under the program prior to 2014.

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

Member Porty F. [Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

In effect from passage.

Joseph M. Minard
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

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The within is approved this the 30th

Day of April, 2013.

[Signature]
Governor

PRESENTED TO THE GOVERNOR

APR 25 2013

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