
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2603 Session of 1994

INTRODUCED BY PICCOLA, DEMPSEY, GIGLIOTTI, NICKOL, VANCE, CLARK,
LAUB, JADLOWIEC, ULIANA, TRUE, FARMER, CESSAR, GERLACH,
JAROLIN, WOGAN, HENNESSEY, BOYES, GODSHALL, DeLUCA, CARONE,
MELIO, BELFANTI, NYCE, NAILOR, KING, PITTS, L. I. COHEN,
STEIL, SAURMAN, ZUG, TULLI, MICOZZIE, FLICK, BUNT, CLYMER,
HARLEY, J. TAYLOR, WAUGH, E. Z. TAYLOR, PLATTS, RUDY,
SCHEETZ, MARSICO, STEELMAN, DRUCE, MERRY, GEIST, TOMLINSON,
PETTIT AND CONTI, MARCH 16, 1994

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 16, 1994

AN ACT

1 Providing for the acquisition of facilities for violent juvenile
2 offenders by the Commonwealth.

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8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 CHAPTER 1

11 PRELIMINARY PROVISIONS

12 Section 101. Short title.

13 This act shall be known and may be cited as the Violent
14 Juvenile Offender Facilities Act.

15 Section 102. Declaration of policy.

16 The General Assembly finds and declares as follows:

17 (1) The Commonwealth faces a serious problem in the
18 overcrowded facilities for the incarceration of violent
19 juvenile offenders.

20 (2) The Commonwealth is in need of new, maximum security
21 juvenile facilities, one in the eastern and one in the
22 western region of this Commonwealth.

23 (3) Expeditious procedures are required to build the new
24 facilities.

25 CHAPTER 3

26 LEASE PURCHASE AGREEMENTS

27 Section 301. Authorization.

28 The Department of General Services is authorized to enter
29 into agreements for the lease or purchase of two 50-cell maximum
30 security juvenile facilities in this Commonwealth. One of the

1 two facilities is to be located in the east and one in the west.
2 Section 302. Terms of lease agreements.

3 (a) Term.--The terms of the lease agreements shall be at
4 least 20 years, subject to the exercise of its option by the
5 Commonwealth to purchase under subsection (b).

6 (b) Option.--The Commonwealth shall have the option to
7 purchase each facility at the time the facility is turned over
8 to the Commonwealth for operation, at the end of the lease term
9 or at intermediate dates as specified in the lease agreements.

10 (c) Timing.--The lease agreement shall be executed prior to
11 the commencement of construction. The lease term shall commence
12 upon execution of a lease, at the time the facility is ready for
13 operation or on any date certain prior to the occupancy of the
14 facility.

15 (d) Assignability.--Each lease agreement shall provide that
16 it may be assigned by the developers with the concurrence of the
17 Commonwealth and shall be in such form that it may be used as
18 security for a loan or loans to finance the acquisition and
19 construction of the facility.

20 (e) Rent.--Payment of rent by the Commonwealth shall begin
21 when the facility is occupied by the Commonwealth.

22 (f) Option price.--The Department of General Services, in
23 consultation with the Office of the Budget, shall have the
24 authority, through negotiations with the contractor, to
25 determine the cost of the option to purchase each facility
26 should the Commonwealth choose to exercise its option to
27 purchase and to determine the amount of payment, if any, due at
28 the end of the term of the lease agreements or at other option
29 dates.

30 (g) Prevailing wage requirement.--The lease agreements shall

1 provide that the project shall be constructed pursuant to
2 prevailing wages as shall be determined by the Department of
3 Labor and Industry.

4 (h) Critical path method scheduling.--The lease agreement
5 may provide that critical path method scheduling be utilized.
6 Section 303. Selection of contractor.

7 (a) Specification.--The Department of Public Welfare, with
8 review by the Department of Corrections and the Department of
9 General Services, shall supply the general specifications for
10 the facilities to be developed.

11 (b) Advertisement.--The Department of General Services shall
12 advertise for proposals to construct the facilities and lease
13 the buildings to the Commonwealth.

14 (c) Committee.--A committee shall be established to review
15 the proposals under subsection (b). This committee shall include
16 representatives from the Department of Public Welfare, the
17 Department of Corrections, the Department of General Services
18 and the Department of Labor and Industry.

19 (d) Submission of proposals.--The proposals shall be
20 submitted to the Department of General Services for
21 consideration by the committee.

22 (e) Committee recommendation.--The committee shall recommend
23 a proposal to the Secretary of General Services, the Secretary
24 of Corrections and the Secretary of the Budget for approval.

25 Section 304. Award of contract.

26 The award of a contract under this chapter shall be made on
27 the basis of the best interest of this Commonwealth to a
28 responsive and responsible proposer. Although the cost shall be
29 considered as a factor, it need not be the determining factor.
30 The Secretary of General Services, the Secretary of Public

1 Welfare and the Secretary of the Budget, prior to the award of a
2 contract under this section to a proposer other than the low
3 responsive and responsible proposer, shall notify the chairman
4 and minority chairman of the Appropriations Committee of the
5 Senate and the chairman and minority chairman of the
6 Appropriations Committee of the House of Representatives of
7 their rationale and justification for the award. No award shall
8 be made to a proposer other than the low responsive and
9 responsible proposer until notification and a time period of
10 five days from the date of notification for comment is given to
11 the chairman and minority chairman of the Appropriations
12 Committee of the Senate and the chairman and minority chairman
13 of the Appropriations Committee of the House of Representatives.
14 The confidentiality of any and all details of the information
15 contained in the bid proposals shall be strictly maintained.
16 Section 305. Construction oversight and inspection.

17 (a) Responsibility.--The Secretary of the Budget shall
18 exercise construction audit oversight responsibility during
19 selection of the contractors and during the design and
20 construction of the facilities. The Secretary of the Budget may
21 retain such consultants and staff as may be necessary to carry
22 out this oversight function, including the use of the current
23 construction audit unit in the Office of the Budget.

24 (b) Inspection.--The Department of General Services or its
25 duly authorized agent, in consultation with the Department of
26 Corrections, shall inspect the facilities in accordance with the
27 provisions of section 2408 of the act of April 9, 1929 (P.L.177,
28 No.175), known as The Administrative Code of 1929, to determine
29 if construction meets the specifications for the facilities.

30 Section 306. Exemption and nonapplicable acts.

1 The facilities authorized in this chapter are exempt from the
2 provisions of the act of March 21, 1986 (P.L.64, No.19), known
3 as the Private Prison Moratorium and Study Act.

4 Section 307. Location of facility.

5 The Department of General Services shall, upon the
6 termination of the period allowed for submission of proposals to
7 the Department of General Services, notify the county board of
8 commissions, or the county council in counties which have
9 adopted a home rule charter, of each county where a proposal has
10 been received for a site or sites within the county. Each county
11 board or council so notified may disapprove the location of a
12 maximum security juvenile facility within the county by a
13 majority vote taken within 60 days following receipt of notice
14 from the Department of General Services. Any such county board
15 or council may waive its right to disapprove sites within the
16 county by majority vote taken at any time.

17 Section 308. Report to General Assembly.

18 The Department of General Services shall, each month, report
19 to the General Assembly any deviation from the critical path
20 schedule for the facility authorized by this chapter and shall,
21 upon completion of the facility, submit a final report setting
22 forth the advantages and disadvantages of lease/purchase
23 acquisition of capital facilities and making recommendations.

24 CHAPTER 5

25 SPECIAL PROVISIONS

26 Section 501. Construction management services.

27 The Department of General Services may, to facilitate project
28 management, conflict resolution and timely project completion,
29 contract for construction management services, including
30 critical path scheduling for projects authorized in this act.

1 Section 502. Incentive payments.

2 The Department of General Services may develop a procedure
3 providing for incentive payments to contractors for early
4 completion of their obligations under the contracts let pursuant
5 to this chapter.

6 Section 503. Interdepartment communications.

7 The Department of General Services and the Department of
8 Public Welfare shall develop a process to facilitate
9 communication between the departments, contractors and design
10 professionals to avoid unnecessary delays and to expedite the
11 processing of project documents for projects authorized in this
12 act.

13 Section 504. Program development and design.

14 The Department of General Services shall, through a request
15 for proposals, contract for professional services needed to
16 prepare planning and design documents which will be used to
17 develop prototype solicitations for proposals. Solicitations for
18 proposals shall be developed for the two 50-cell maximum
19 security juvenile facilities.

20 CHAPTER 11

21 MISCELLANEOUS PROVISIONS

22 Section 1101. Effective date.

23 This act shall take effect immediately.