

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2874 Session of
1996

INTRODUCED BY O'BRIEN, EGOLF, DeLUCA, COWELL, LYNCH, TRELLO,
CORRIGAN, ARMSTRONG, KUKOVICH, SERAFINI, E. Z. TAYLOR,
KENNEY, VAN HORNE, CLARK, STERN, M. N. WRIGHT, HENNESSEY,
MILLER, L. I. COHEN, RAMOS, SEMMEL, STEELMAN AND BATTISTO,
SEPTEMBER 23, 1996

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 23, 1996

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employees in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employees of certain departments, boards and
20 commissions shall be determined," further providing for
21 standards and purchases.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Section 2403(h) of the act of April 9, 1929
25 (P.L.177, No.175), known as The Administrative Code of 1929,
26 amended June 27, 1977 (P.L.24, No.17), is amended to read:

1 Section 2403. Standards and Purchases.--The Department of
2 General Services shall have the power, and its duty shall be:

3 * * *

4 (h) To permit subject to such terms and conditions as the
5 Department of General Services may, and as hereinafter
6 specifically provided, shall, prescribe, any political
7 subdivision or authority created by a political subdivision, the
8 State Public School Building Authority or any private college or
9 university to participate in or purchase off purchase contracts
10 for materials, supplies and equipment entered into by the
11 department. Any political subdivision or authority desiring to
12 participate in such purchase contracts shall file with the
13 Department of General Services a certified copy of an ordinance
14 or resolution of its governing body or in the case of a private
15 college or university, an affidavit signed by the president of
16 the college or university or his designee requesting that it be
17 authorized to participate in purchase contracts of the
18 department and agreeing that it will be bound by such terms and
19 conditions as the department may, and as hereinafter
20 specifically provided, shall, prescribe and that it will be
21 responsible for payment directly to the vendor under each
22 purchase contract. Any other administrative department
23 authorized to make direct purchases of materials, supplies and
24 equipment may similarly permit political subdivisions or
25 authorities or any private college or university to participate
26 in or purchase off purchase contracts entered into by such
27 department. Among such terms and conditions, the department
28 shall prescribe that all prices shall be F.O.B. destination.
29 Political subdivisions and authorities and private colleges and
30 universities shall be exempt from existing statutory

1 requirements governing competitive bidding and execution of
2 contracts with respect to the purchase of materials, supplies
3 and equipment under this section. Nonprofit fire companies,
4 nonprofit rescue companies, [and] nonprofit ambulance companies
5 and qualified tax exempt organizations may submit their requests
6 for the purchases of materials, supplies and equipment to the
7 subdivision in which located for inclusion in the participation
8 thereof in purchase contracts entered into by the department.
9 Any such company's or organization's requests may be included by
10 such political subdivisions if accompanied by the agreement of
11 the company or organization making the request that it will be
12 bound by the terms and conditions prescribed by the political
13 subdivision and that it will be responsible for payment directly
14 to the vendor under each purchase contract. For the purpose of
15 this subsection, the term "qualified tax exempt organizations"
16 shall mean an organization which is exempt from Federal taxation
17 under section 501(c)(3) of the Internal Revenue Code of 1986
18 (Public Law 99-514, 26 U.S.C. § 1 et seq.) and which derives not
19 less than sixty-five per centum (65%) of its income from
20 Federal, State and local governmental sources. It shall be the
21 duty of the political subdivision in which the organization's
22 principle office is located to verify to its satisfaction the
23 eligibility of such organization to participate in this program.

24 * * *

25 Section 2. This act shall take effect in 60 days.