

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 368

Session of  
1975

INTRODUCED BY NOLAN, ORLANDO, SMITH, MESSINGER, CIANFRANI, ROSS,  
MURRAY, LEWIS, NOSZKA, O'PAKE, AMMERMAN, STAPLETON, KELLEY,  
MELLOW, COPPERSMITH, MURPHY, HOWARD, STAUFFER, DUFFIELD,  
HILL, DWYER AND MANBECK, FEBRUARY 25, 1975

REFERRED TO STATE GOVERNMENT, FEBRUARY 25, 1975

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," creating the Department of  
21 General Services and defining its functions, powers and  
22 duties; and transferring certain functions, records,  
23 equipment, personnel and appropriations from the Department  
24 of Property and Supplies and The General State Authority to  
25 such department.

26 The General Assembly of the Commonwealth of Pennsylvania

27 hereby enacts as follows:

28 Section 1. Section 201, act of April 9, 1929 (P.L.177,

1 No.175), known as "The Administrative Code of 1929," amended  
2 December 3, 1970 (P.L.834, No.275), is amended to read:

3 Section 201. Executive Officers, Administrative Departments  
4 and Independent Administrative Boards and Commissions.--The  
5 executive and administrative work of this Commonwealth shall be  
6 performed by the Executive Department, consisting of the  
7 Governor, Lieutenant Governor, Secretary of the Commonwealth,  
8 Attorney General, Auditor General, State Treasurer, and  
9 [Superintendent of Public Instruction] Secretary of Education;  
10 by the Executive Board, and the Pennsylvania State Police; by  
11 the following administrative departments: Department of State,  
12 Department of Justice, Department of the Auditor General,  
13 Treasury Department, Department of [Public Instruction]  
14 Education, Department of Military Affairs, Insurance Department,  
15 Department of Banking, Department of Agriculture, Department of  
16 Transportation, Department of Health, Department of Labor and  
17 Industry, Department of Public Welfare, Department of [Property  
18 and Supplies] General Services, Department of Revenue,  
19 Department of Commerce, Department of Community Affairs and  
20 Department of Environmental Resources; and by the following  
21 independent administrative boards and commissions: Pennsylvania  
22 Game Commission, Pennsylvania Fish Commission, State Civil  
23 Service Commission, Pennsylvania Public Utility Commission, and  
24 the Pennsylvania Historical and Museum Commission.

25 All of the provisions of this act, which apply generally to  
26 administrative departments, or generally except to the  
27 Department of the Auditor General and the Treasury Department,  
28 shall apply to the Executive Board and to the Pennsylvania State  
29 Police.

30 Section 2. Section 202 of the act in so far as it relates to

1 the Department of Property and Supplies is amended to read:

2 Section 202. Departmental Administrative Boards, Commission,  
3 and Offices.--The following boards, commissions, and offices are  
4 hereby placed and made departmental administrative boards,  
5 commissions, or offices, as the case may be, in the respective  
6 administrative departments mentioned in the preceding section,  
7 as follows:

8 \* \* \*

9 In the Department of [Property and Supplies]

10 General Services,

11 Board of Commissioners of Public Grounds and Buildings,  
12 State Art Commission;

13 \* \* \*

14 All of the foregoing departmental administrative boards and  
15 commissions shall be organized or reorganized as provided in  
16 this act.

17 Section 3. Section 203 of the act, in so far as it relates  
18 to the Department of Property and Supplies, amended December 3,  
19 1970 (P.L.834, No.275), is amended to read:

20 Section 203. Advisory Boards and Commissions.--The following  
21 advisory boards and commissions are placed in and made parts of  
22 the respective administrative departments, as follows:

23 \* \* \*

24 [In the Department of Property and Supplies,

25 General Galusha-Pennypacker Monument Commission:]

26 \* \* \*

27 Section 4. Section 206 of the act, amended December 3, 1970  
28 (P.L.834, No.275), is amended to read:

29 Section 206. Department Heads.--Each administrative  
30 department shall have as its head an officer who shall, either

1 personally, by deputy, or by the duly authorized agent or  
2 employe of the department, and subject at all times to the  
3 provisions of this act, exercise the powers and perform the  
4 duties by law vested in and imposed upon the department.

5 The following officers shall be the heads of the  
6 administrative departments following their respective titles:

7 Secretary of the Commonwealth, of the Department of State;

8 Attorney General, of the Department of Justice;

9 Auditor General, of the Department of the Auditor General;

10 State Treasurer, of the Treasury Department;

11 [Superintendent of Public Instruction] Secretary of

12 Education, of the Department of [Public Instruction]

13 Education;

14 Adjutant General, of the Department of Military Affairs;

15 Insurance Commissioner, of the Insurance Department;

16 Secretary of Banking, of the Department of Banking;

17 Secretary of Agriculture, of the Department of Agriculture;

18 Secretary of Transportation, of the Department of

19 Transportation;

20 Secretary of Health, of the Department of Health;

21 Secretary of Labor and Industry, of the Department of

22 Labor and Industry;

23 Secretary of Public Welfare, of the Department of Public

24 Welfare;

25 [Secretary of Property and Supplies, of the Department of

26 Property and Supplies:]

27 Secretary of Revenue, of the Department of Revenue;

28 Secretary of Commerce, of the Department of Commerce;

29 Secretary of Community Affairs, of the Department of

30 Community Affairs;

1 Secretary of Environmental Resources, of the Department  
2 of Environmental Resources;  
3 Secretary of General Services, of the Department of  
4 General Services.

5 Section 5. Section 207 of the act, amended February 18, 1949  
6 (P.L.16, No.5), August 24, 1951 (P.L.1340, No.322) and December  
7 3, 1970 (P.L.834, No.275), is amended to read:

8 Section 207. Appointment.--The Governor shall nominate and,  
9 by and with the advice and consent of two-thirds of all the  
10 members of the Senate, appoint:

11 (a) The Secretary of the Commonwealth, the Attorney General,  
12 the [Superintendent of Public Instruction] Secretary of  
13 Education, the Adjutant General, the Insurance Commissioner, the  
14 Secretary of Banking, the Secretary of Agriculture, the  
15 Secretary of Transportation, the Secretary of Health, the  
16 Commissioner of the Pennsylvania State Police, the Secretary of  
17 Labor and Industry, the Secretary of Public Welfare, [the  
18 Secretary of Property and Supplies,] the Secretary of Revenue,  
19 the Secretary of Commerce, the Secretary of Community Affairs,  
20 the Secretary of Environmental Resources, the Secretary of  
21 General Services and the members of all independent  
22 administrative boards and commissions.

23 The Adjutant General may have the rank of Major General of  
24 the Adjutant General's Department in the Pennsylvania National  
25 Guard, or Pennsylvania Guard, or the Governor may designate the  
26 ranking line officer of the Pennsylvania National Guard, or  
27 Pennsylvania Guard, or an officer of the Regular Army, United  
28 States Navy, United States Coast Guard, or United States Marine  
29 Corps, as Adjutant General: Provided, That should the ranking  
30 line officer be also appointed Adjutant General, he shall

1 receive only the salary provided by law for the Adjutant  
2 General: And provided further, That should the ranking line  
3 officer be called into the service of the United States, a  
4 Deputy Adjutant General, to be designated by the Governor, shall  
5 act as Adjutant General during his absence. No Adjutant General  
6 shall be appointed who shall not have served at least ten years  
7 as a commissioned officer in the Pennsylvania National Guard,  
8 Pennsylvania Guard, or equivalent length of service in the  
9 Regular Army of the United States, United States Navy, United  
10 States Coast Guard, or United States Marine Corps, or Officers  
11 Reserve Corps of the United States Army, United States Naval  
12 Reserve, United States Coast Guard Reserve, or United States  
13 Marine Corps Reserve, which service may be cumulative, that is,  
14 service in any one or more of the foregoing services may be  
15 added together.

16 The Secretary of Health shall be a doctor of medicine  
17 licensed to practice medicine in Pennsylvania or eligible to be  
18 so licensed.

19 (b) Except as in this act otherwise provided, the members of  
20 all departmental administrative bodies, boards, and commissions,  
21 and the officers who shall fill the departmental administrative  
22 offices mentioned in this article.

23 (c) Except as in this act otherwise provided, the members of  
24 all advisory boards and commissions.

25 Section 6. Clause (h) of section 448 of the act is repealed.

26 Section 7. Section 508 of the act, amended June 21, 1937  
27 (P.L.1865, No.373), August 14, 1963 (P.L.982, No.449) and  
28 September 28, 1965 (P.L.553, No.287), is amended to read:

29 Section 508. Erection, Repairs, or Alterations of and  
30 Additions to Buildings.--(a) No administrative department,

1 except the Department of [Property and Supplies] General  
2 Services, and no administrative board or commission, shall[,  
3 except as in this act otherwise specifically provided,] erect or  
4 construct, or contract for the erection or construction of, any  
5 new building, or make, or contract for making, any alterations  
6 or additions to an existing building, involving an expenditure  
7 of more than [twelve thousand dollars (\$12,000)] twenty-five  
8 thousand dollars (\$25,000) and, in any case in which any other  
9 department or any board or commission is by this act authorized  
10 to erect or construct buildings, or make alterations or  
11 additions involving an expenditure of less than [twelve thousand  
12 dollars (\$12,000)] twenty-five thousand dollars (\$25,000),  
13 notice of such erection or construction shall be given to the  
14 Department of General Services and such erection or construction  
15 may be generally supervised by the Department of [Property and  
16 Supplies] General Services.

17 (b) The Department of [Property and Supplies] General  
18 Services shall receive at least once every two fiscal years, a  
19 survey of all buildings, equipment, land, improvements connected  
20 with and comprising each State institution. This survey shall be  
21 conducted by the various administrative departments, independent  
22 administrative boards and commissions and other State agencies  
23 under the Governor's jurisdiction. After making any survey, the  
24 administrative departments, independent administrative boards  
25 and commissions and other State agencies under the Governor's  
26 jurisdiction shall prepare a report, setting forth in detail the  
27 results of the survey, including the needs of such institution,  
28 with respect to the maintenance of, and repairs, improvements,  
29 alterations and additions to, its buildings, land and equipment.  
30 The administrative departments, independent administrative

1 boards and commissions and other State agencies under the  
2 Governor's jurisdiction shall file a copy of such report with  
3 the Department of [Property and Supplies] General Services who  
4 shall compile all the reports and submit the compilation to the  
5 Governor. Such reports shall be used, so far as practical, as a  
6 guide in formulating [the biennial] future budgetary requests  
7 for appropriations for the maintenance of, and repairs,  
8 improvements, alterations and additions to, the buildings, lands  
9 and equipment of State institutions.

10 (c) All plans and specifications for new buildings, and for  
11 alterations or additions to existing buildings, involving an  
12 expenditure of more than [twelve thousand dollars (\$12,000)]  
13 twenty-five thousand dollars (\$25,000), shall be subject to the  
14 approval of the Department of [Property and Supplies] General  
15 Services and, in addition thereto, shall also be subject to the  
16 approval of the department, board, or commission using or  
17 intending to use the building being erected or constructed, or  
18 to which an alteration or addition is being made, with respect  
19 to the type and general character of the proposed building,  
20 design of the floor lay-outs, [radiation, natural light,  
21 artificial illumination, ventilation,] medical equipment, or  
22 other equipment of a nature peculiar to the building, for which  
23 the plans and specifications are being prepared. In the case of  
24 buildings used by or for the use of departmental administrative  
25 boards or commissions, the plans and specifications shall also  
26 be approved, with respect to the above mentioned matters, by the  
27 department with which the board or commission is connected.

28 (d) Buildings may be erected or constructed, or alterations  
29 or additions made, wholly or partially by the labor of employes  
30 or inmates or patients of State institutions, if, in the



1 judgment of the agency responsible for the management of such  
2 institutions, the work can be properly and safely done by such  
3 employees, inmates, or patients. In cases involving an  
4 expenditure of more than [twelve thousand dollars (\$12,000)]  
5 twenty five thousand dollars (\$25,000), the Department of  
6 [Property and Supplies] General Services, or such outside  
7 supervising engineer or engineering concern, as it may approve,  
8 shall have full and direct responsibility for the management of  
9 the work, and the department, board or commission using or  
10 intending to use the building shall have complete charge of such  
11 employees, inmates, or patients.

12 (g) Whenever any building or structure on any land owned by  
13 the Commonwealth shall become so obsolete and dilapidated as to  
14 make it impractical to repair the same, and shall be no longer  
15 of use to the Commonwealth, the Department of [Property and  
16 Supplies] General Services, with the approval of the Governor,  
17 shall have power to demolish or authorize the demolition of such  
18 building or structure whenever requested to do so by the  
19 department, board, commission or agency having control or  
20 possession of such building or structure.

21 (i) The Department of General Services shall have the power,  
22 out of funds appropriated to it for such purpose, in  
23 anticipation of requests for appropriations, to cause plans and  
24 specifications for and estimates of the cost of State buildings  
25 or alterations, or additions to the same, to be prepared,  
26 subject to the following procedure: (i) whenever a department,  
27 board, commission, agency or State supported institution, other  
28 than the Department of General Services, shall propose to  
29 request the General Assembly to make an appropriation in excess  
30 of twenty-five thousand dollars (\$25,000) for the construction



1 Section 9. The act is amended by adding a section to read:

2 Section 2401.1. Specific Powers of the Department of General  
3 Services.--In addition to all other powers and duties set forth  
4 in this act, the Department of General Services shall have the  
5 power, and its duty shall be:

6 (1) To exercise all the powers and duties as to new  
7 construction, alteration and repairs over twenty-five thousand  
8 dollars (\$25,000) base cost, heretofore exercised by the  
9 Department of Property and Supplies and other Commonwealth  
10 departments. Base cost shall mean and include the base  
11 construction cost of a capital project as set forth in a capital  
12 budget.

13 (2) To have exclusive authority over all construction of  
14 capital public improvement projects passed in a Commonwealth  
15 Capital Budget or other legislation; excluding, however,  
16 highways, bridges and other transportation facilities.

17 (3) To have exclusive authority over all Commonwealth repair  
18 projects which cost in excess of twenty-five thousand dollars  
19 (\$25,000) funded by appropriations in the operating budget;  
20 excluding, however, highways, bridges, and other transportation  
21 facilities.

22 (4) To acquire land in the name of the Commonwealth by  
23 purchase or eminent domain proceedings, in fee or in such right,  
24 title, interest or easement as the department may deem necessary  
25 for the project as specifically authorized in a capital budget  
26 or other legislation; excluding, however, highways, bridges and  
27 other transportation facilities.

28 (5) To carry out all construction activities which cost in  
29 excess of twenty-five thousand dollars (\$25,000), including all  
30 aspects of project management, design and construction, such as

1 preplanning and estimating, legal and administrative services,  
2 planning, actual construction, repair, alteration or addition to  
3 existing facilities.

4 (6) To exercise all the powers and duties as to new  
5 construction heretofore exercised by The General State  
6 Authority.

7 (7) To provide, when and if requested, by contract all the  
8 services cited above for all State agencies.

9 (8) To take by assignment from The General State Authority  
10 and the Department of Property and Supplies all contracts which  
11 have been entered into for the construction of projects not  
12 completed, and all projects which have or shall have been  
13 authorized for which funds have been allocated or otherwise  
14 committed.

15 (9) To formulate and establish minimum specifications and  
16 standards for construction, room design, materials and utilities  
17 for all projects to be constructed by or the construction of  
18 which is subsidized in whole or in part by the Commonwealth and  
19 to be used by any department, board, agency, commission, or  
20 State supported institution, agency, or project; for this  
21 purpose, the Department of General Services may establish a  
22 laboratory for testing new construction materials, procedures  
23 and systems and shall issue reports on the results of any such  
24 laboratory tests.

25 (10) To assume specific responsibility for controlling the  
26 quality of materials and workmanship, giving due consideration  
27 to the feasibility of maintaining public projects once they have  
28 been built.

29 (11) To provide architectural and engineering services,  
30 including planning, estimating and project management to any

department, board, commission, agency or State supported  
institution contemplating State construction or repair projects.

(12) To employ officers, agents, employes, capable  
registered architects and engineers, technical specialists and  
clerical personnel as may be necessary to comply with the  
provisions of this section. No employe may, on leaving the  
employ of the department, negotiate or participate in any  
contract for the providing of goods or services to the  
department before the expiration of one year from the date of  
termination of his employment.

(13) To approve, with the approval of the Governor,  
increases in the cost of projects to be constructed from general  
obligation bond funds when such increases are within one hundred  
and twenty per centum (120%) of the increases in The Composite  
Construction Cost Index of The United States Department of  
Commerce from the date of The General Assembly approval of the  
base construction cost to the date of the awarding of  
construction bids.

(14) With the approval of the Governor, to transfer and  
convey any easements or licenses necessitated by any  
construction project which has been previously authorized by the  
General Assembly.

(15) To enter into contracts of all kinds and to execute all  
instruments necessary or convenient for carrying on its  
operations.

(16) To accept grants and subsidies from and enter into  
agreements or other transactions with any Federal agency or  
agency of the Commonwealth or other entity.

(17) To accept grants-in-aid, gifts, donations, legacies or  
usages of money made or extended by individuals, organizations,

public or private corporations, departments or instrumentalities of the Commonwealth, or the Federal Government, and to return money advanced for its usage not otherwise required for its purposes.

(18) To pay for administrative expenses related to capital projects funded by Commonwealth General Obligation Bonds or other funds appropriated, the Department of General Services shall charge a fee against proceeds from said bonds which were sold to finance base construction or acquisition costs of said projects undertaken by the department or a like fee against other specifically appropriated funds for capital improvement projects. The amount of the fee shall be set by departmental regulations.

(19) To review the work, experience and qualification of architects and engineers seeking contracts from the Commonwealth for non-transportation capital improvement projects and, on the basis of merit, to select and appoint said architects and engineers for the design, supervision and, at the department's discretion, inspection, under this act. The Governor, in order to assist the department in the selection and appointment of architects and engineers on the basis of merit, shall appoint a Selections Committee consisting of five members, none of whom shall be employees of the Commonwealth or hold any elective office or office in any political party or body, and shall be composed of architects, engineers or other persons knowledgeable in the field of building construction. Each appointed member shall be reimbursed for reasonable travel and other expenses incurred incident to such attendance and to such assigned duty and also a per diem allowance as determined by the Executive Board. The Selections Committee shall have the obligation of

1 giving public notice of projects requiring the services of  
2 architects and engineers, and of publicly recommending to the  
3 department three qualified architects and engineers in order of  
4 its preference for each project. Any architect or engineer so  
5 recommended shall submit promptly the name or names of his  
6 associate architect or engineer to the department. The  
7 department shall have the duty to select or appoint one of the  
8 persons or firms which have been recommended by the Selections  
9 Committee. In exercising its responsibility, the department  
10 shall consider the following factions: (i) an equitable  
11 distribution of contracts to architects and engineers, (ii)  
12 particular capability to perform the design or construction  
13 services for the contract being considered, (iii) geographic  
14 proximity of the architect or engineer to the proposed facility,  
15 (iv) that the architect or engineer selected has the necessary  
16 available manpower to perform the services required by the  
17 project, or (v) any other relevant circumstances peculiar to the  
18 proposed contract. The Selections Committee shall set the fee to  
19 be paid for the pre-planning, design and supervision of any  
20 project. The department by regulation shall adopt such  
21 procedures as will implement the carrying out of this paragraph  
22 (19).

23 (20) To do all acts and things necessary or convenient to  
24 carry out the powers granted to it by this act or any other  
25 acts, including but not limited to the issuance of general  
26 regulations implementing the act.

27 Section 10. Clause (e) of section 2402 of the act is  
28 repealed.

29 Section 11. Clause (f) of section 2402 of the act, amended  
30 June 21, 1937 (P.L.1865, No.373), is amended to read:

1 Section 2402. Grounds, Buildings and Monuments in General.--

2 The Department of [Property and Supplies] General Services shall  
3 have the power, and its duty shall be:

4 \* \* \*

5 (f) Out of the fund appropriated or otherwise made available  
6 to the department therefor, to purchase or condemn land, with or  
7 without buildings thereon, for all projects, [the purpose of  
8 adding the same to any of the public lands or parks, or for use  
9 as sites for or in connection with arsenals, armories, military  
10 reservations, intermediate landing fields, hospitals, normal  
11 schools, teachers' colleges, penal or correctional institutions,  
12 or other institutions of the Commonwealth,] whenever, in the  
13 judgment of the Governor, the purchase or condemnation of such  
14 land is necessary, or whenever such purchase or condemnation  
15 shall have been authorized by law, and an appropriation shall  
16 have been made therefor. [The condemnation of land hereunder  
17 shall be in the manner provided by the act, approved the  
18 fifteenth day of July, one thousand nine hundred and nineteen  
19 (Pamphlet Laws, nine hundred seventy-six), entitled "An act to  
20 authorize the Board of Commissioners of Public Grounds and  
21 Buildings to acquire property for the Commonwealth by  
22 proceedings in eminent domain, where the purchase of such  
23 property has either been authorized by law, or determined by the  
24 Board of Commissioners of Public Grounds and Buildings under  
25 existing laws, and an appropriation made therefor," its  
26 amendments and supplements. Except as otherwise in this act  
27 expressly provided, no other department, board, or commission of  
28 the State Government shall hereafter exercise the right of  
29 eminent domain for any of the purposes aforesaid, any other act  
30 of Assembly heretofore enacted to the contrary notwithstanding,]



1 The condemnation of land by the department hereunder shall be in  
2 the manner provided by the act of June 22, 1964 (Sp.Sess.,  
3 P.L.84, No.6), known as the "Eminent Domain Code."

4 \* \* \*

5 Section 12. Section 2403.1 of the act is repealed.

6 Section 13. Section 2408 of the act, amended June 21, 1937  
7 (P.L.1865, No.373), July 22, 1965 (P.L.228, No.125) and August  
8 12, 1971 (P.L.316, No.80), is amended to read:

9 Section 2408. Procedure for [Erection of Buildings and]  
10 Construction of all Capital Improvements, Repairs or Alterations  
11 [or Additions to Existing Buildings] under the Control of the  
12 Department of General Services.--Whenever the General Assembly  
13 [shall have appropriated money to the Department of Property and  
14 Supplies, or to any other department, or to any administrative  
15 board or commission, for the erection of new buildings, or  
16 sewage or filtration plants, other service systems, or athletic  
17 fields, or other structures, or for alterations or additions or  
18 repairs to existing buildings, or to such plants, systems,  
19 fields, or structures, to cost more than twelve thousand dollars  
20 (\$12,000)] has made an appropriation or authorized borrowing  
21 under the act of July 20, 1968 (P.L.550, No.217), known as the  
22 "Capital Facilities Debt Enabling Act," in any budget to the  
23 Department of General Services or to any department, board,  
24 commission, agency or State supported institution for the  
25 construction of a capital improvement, or for the repair or  
26 alteration of a capital improvement to be completed by the  
27 Department of General Services, to cost more than twenty-five  
28 thousand dollars (\$25,000), the following procedure shall apply,  
29 unless the work is to be done by State employes, or by inmates  
30 or patients of a State institution or State institutions, or

1 unless the department, board, or commission to which the General  
2 Assembly has appropriated money for the foregoing purposes is,  
3 by this act or by the act making the appropriation, authorized  
4 to erect, alter, or enlarge buildings independently of the  
5 Department of [Property and Supplies] General Services, or under  
6 a different procedure:

7 [(a)] (1) If the appropriation is to a department, board,  
8 agency, commission or State supported institution other than the  
9 Department of [Property and Supplies or to a board or  
10 commission,] General Services, such department, board, [or]  
11 agency, commission, or State supported institution shall notify  
12 the Department of [Property and Supplies as soon as it is ready]  
13 General Services, to have plans and specifications for the  
14 [work] project prepared.

15 [(b)] (2) Promptly after such notice, in such cases, or  
16 promptly after any appropriation made to it becomes available,  
17 the Department of [Property and Supplies] General Services shall  
18 select an architect and, if necessary an engineer, or both,  
19 pursuant to the selection procedures of section 2401.1(19), to  
20 design the work, and prepare specifications therefor[, but, in  
21 the case of a building to be done for the use of any other  
22 department, or any board or commission (unless the building is  
23 on the Capitol grounds), the selection of the architect and  
24 engineer, if any, shall be subject to approval by such  
25 department, board, or commission, and, in case of departmental  
26 administrative boards or commissions, by the departments with  
27 which such boards or commissions are respectively connected. Any  
28 architect or engineer so selected and approved shall submit  
29 promptly the name or names of his associate architect or  
30 engineers to the Department of Property and Supplies for its

1 approval].

2 [(c)] (3) The Department of [Property and Supplies] General  
3 Services shall enter into a contract with the architect or  
4 engineer, which shall provide (i) a date for the completion of  
5 the plans and specifications[, and]; (ii) that the [plans and  
6 specifications] conceptual schematics must meet with the  
7 approval of the department, board, or commission for which the  
8 building is being erected, altered, or enlarged [(unless the  
9 building is on the Capitol grounds),] and, in the case of  
10 departmental administrative boards or commissions, of the  
11 departments with which such boards or commissions are  
12 respectively connected, to the extent of the type and general  
13 character of the building, design of the floor layouts,  
14 [radiation, natural light, artificial illumination,  
15 ventilation,] medical equipment, or other equipment of a nature  
16 peculiar to the building for which the plans and specifications  
17 are being prepared; (iii) that the plans, drawings, and  
18 specifications must be approved by the Department of [Property  
19 and Supplies] General Services; (iv) that the exterior design of  
20 the building must be approved by the State Art Commission; and  
21 (v) that the plans and specifications must be approved by the  
22 Department of Labor and Industry, [and] the Department of  
23 Health, and the Department of Environmental Resources, to the  
24 extent to which those departments, respectively, have  
25 jurisdiction to require the submission to them for approval of  
26 certain features of the building. Such architect or engineer in  
27 preparing plans and specifications, shall consult with the  
28 department, board, or commission, agency or State supported  
29 institution for which the building is to be erected, altered or  
30 enlarged, but the Department of [Property and Supplies] General

1 Services shall insist upon the prompt completion of the plans  
2 and specifications, within the time prescribed in the  
3 architect's or engineer's contracts, unless it shall  
4 specifically agree in writing to an extension thereof.

5 (4) Every department, board, [or] commission, agency or  
6 State supported institution whose approval of plans and  
7 specifications is required hereunder, shall, within [twenty]  
8 thirty days after submission thereof by the architect or  
9 engineer, approve or disapprove all sketches, drawings,  
10 specifications, and other documents, and shall inform the  
11 architect or engineer of decisions in such reasonable time as  
12 not to delay him in his work.

13 (5) The department may make rules and regulations for the  
14 invitation of proposals, submission of bids, issuance of binding  
15 letters of intent to contract, and the award of contracts for  
16 erecting, altering, or adding to any building: Provided, That  
17 such rules and regulations shall not conflict with the  
18 requirements of competitive bidding.

19 ~~[(d)]~~ (6) Upon the completion of the plans and  
20 specifications, and their approval by all necessary State  
21 agencies, the Department of [Property and Supplies] General  
22 Services, unless the work is to be done by State employes, shall  
23 invite proposals, by advertisements inserted at least three  
24 times in not less than six [or more than twelve] newspapers of  
25 large general circulation in different parts of the  
26 Commonwealth. The first and last publications of any such  
27 advertisement shall be at least ten days apart, and the  
28 department shall not advertise hereunder in more than three  
29 newspapers in the same county.

30 ~~[(e)]~~ (7) The department may invite proposals, either for

1 completely erecting, altering, or adding to any building, or  
2 separately for parts of the work, or both [Whether it shall  
3 invite proposals for part of the work, and, if so, for what  
4 parts, shall rest within the sole discretion of the department]  
5 on all projects under two hundred fifty thousand dollars  
6 (\$250,000) base construction cost. All projects exceeding two  
7 hundred fifty thousand dollars (\$250,000) shall be subject to  
8 the act of May 1, 1913 (P.L.155, No.104), entitled "An act  
9 regulating the letting of certain contracts for the erection,  
10 construction, and alteration of public buildings."

11 [(f)] (8) All proposals shall be accompanied by certified  
12 or bank checks or surety bid bonds, in such amounts or  
13 percentages of the amounts of the proposals as shall be  
14 specified in the advertisement, and shall be publicly opened and  
15 [tabulated] announced at the time and place specified in the  
16 advertisement. Bids shall be tabulated and made available to the  
17 public as soon thereafter as practicable.

18 [(g)] (9) The department shall, as soon as practicable,  
19 award the contracts to the lowest responsible qualified bidder,  
20 but it shall have the right to reject any or all bids, to waive  
21 technical defects and to accept or reject any part of any bid,  
22 if in the judgment of the department, the best interests of the  
23 Commonwealth shall require it. The successful bidder shall also  
24 deliver to the Commonwealth, at the time of execution of the  
25 contract, a surety bond having as surety a surety company  
26 authorized to transact business in this Commonwealth or two  
27 individual sureties approved by the [Department of Justice]  
28 chief counsel of the department, in the amount of ten per centum  
29 (10%) of the contract price, as surety against defective or  
30 inferior materials or workmanship which may develop during the

1 period of one (1) year from the date of total completion and  
2 acceptance of [the] all work performed under the contract.

3 [(h)] (10) No proposal for any contract shall be considered  
4 unless accompanied by a certified or bank check or surety bid  
5 bond as prescribed by the department at the time of advertising.  
6 A bidder who shall have accompanied his proposal with a  
7 certified or bank check or surety bid bond, as aforesaid, and to  
8 whom a contract shall have been awarded, must, within ten days  
9 after such award, substitute for said check or surety bid bond a  
10 surety performance [bond for not less than fifty per centum  
11 (50%) or more than one hundred per centum (100%) of the bid  
12 price of the work, as shall have been prescribed by the  
13 department in its invitation for proposals, and an additional  
14 bond in a sum not less than fifty per centum (50%) and not more  
15 than one hundred per centum (100%) of the contract price of the  
16 work, as prescribed by the department in its invitation for  
17 proposals, conditioned that the contractor will promptly pay for  
18 all material furnished and labor supplied or performed in the  
19 prosecution of the work, whether or not the material or labor  
20 enter into and become component parts of the building. Such  
21 additional bond shall be held by the Department of Property and  
22 Supplies for the use of every party who, whether as sub-  
23 contractor or otherwise, has furnished material or supplied or  
24 performed labor in the prosecution of the work, as above  
25 provided, and who has not been paid therefor; and, among other  
26 things, shall provide specifically that any such party may bring  
27 a suit thereon, in the name of the Commonwealth, for his, their,  
28 or its own use, prosecute the same to final judgment for such  
29 sum or sums as may be justly due, and have execution thereon:  
30 Provided, however, That the Commonwealth shall not be liable for

1 the payment of any costs or expenses of any such suit. Each  
2 surety bond, required hereunder, shall have as surety a surety  
3 company authorized to transact business in this Commonwealth, or  
4 two individual sureties approved by the Department of Justice.]  
5 and payment bonds in conformity with the requirements of the act  
6 of December 20, 1967 (P.L.869, No.385), known as the "Public  
7 Works Contractors' Bond Law of 1967."

8 [(i)] (11) No contract shall be valid or effective unless a  
9 certified copy thereof, [detail break-down sheet of the work,]  
10 and the contract price of the work involved, shall have been  
11 filed in the offices of [the Auditor General,] the State  
12 Treasurer, and the department, board, or commission, agency or  
13 State supported institution for which the work is to be done,  
14 promptly after the execution of the contract.

15 [(j)] (12) The enforcement of all contracts provided for by  
16 this section shall be under the control and supervision of the  
17 Department of [Property and Supplies. In the event that the  
18 Department of Property and Supplies and the contractor cannot  
19 agree on any of the general conditions of the contract, and on  
20 the specifications, such disagreement shall be subject to  
21 decision by the Department of Justice, and its decision shall be  
22 final.] General Services. All questions or disputes arising  
23 between the Department of General Services and any contractor  
24 with respect to any matter pertaining to a contract entered into  
25 with the Department of General Services or any part thereto, or  
26 any breach of contract arising thereunder shall be submitted to  
27 final and binding arbitration as provided by the terms of the  
28 contract which finding shall be final and not subject to further  
29 appeal; or if not so provided shall be referred to the Board of  
30 Arbitration of Claims (as set forth in the act of May 20, 1937

1 (P.L.728, No.193) whose decision and award shall be final and  
2 binding and conclusive upon all parties thereto, except that  
3 either party shall have the right to appeal from said decision  
4 and award as provided by law.

5 [(k)] (13) The Department of [Property and Supplies]  
6 General Services shall examine all bills on account of the  
7 contracts entered into under the provisions of this section,  
8 and, if they are correct, the department shall certify that the  
9 materials have been furnished, or that the work or labor has  
10 been performed in a workmanlike manner and in accordance with  
11 the contract, approve the bills, and issue its requisition  
12 therefor, or forward its certificate to the proper department,  
13 board, or commission, agency or State supported institution, as  
14 the case may be. Progress payments and final payments shall not  
15 estop the department from pursuing its lawful remedies for  
16 defects in workmanship and/or materials and other damages.

17 [(l)] (14) The Department of [Property and Supplies]  
18 General Services shall have the right to engage the services of  
19 any consulting or supervising engineer or engineers, whom it may  
20 deem necessary for the proper designing of or inspection or  
21 supervision of [buildings erected,] projects constructed,  
22 altered, or enlarged by the department hereunder, pursuant to  
23 the selection procedures of section 2401.1(19).

24 [(m)] (15) Changes in scope in the plans or specifications,  
25 or both, may be made after their approval, only with the consent  
26 of all of the departments, boards and commissions, agencies and  
27 State supported institutions whose approval of the original  
28 plans or specifications, or both, was necessary hereunder.

29 [(n)] (16) If the appropriation is to a department, other  
30 than the Department of [Property and Supplies] General Services



1 or to a board or commission, agency or State supported  
2 institution, the Department of [Property and Supplies] General  
3 Services shall award and enter into the contract as agent for  
4 the department, board, [or] commission, agency or State  
5 supported institution to which the appropriation was made.

6 Section 14. Section 2411 of the act is repealed.

7 Section 15. Section 2412 of the act is amended to read:

8 Section 2412. Qualification of Bidders.--In every case in  
9 which the Department of [Property and Supplies] General Services  
10 is authorized by this act to invite proposals, it may, in its  
11 discretion, furnish to every prospective bidder a questionnaire  
12 calling upon the bidder to furnish information relative to his  
13 financial status, experience, equipment, and integrity, and  
14 require such questionnaire, properly filled out and verified by  
15 oath or affirmation, to be attached to the bidder's proposal.

16 Whenever a questionnaire is furnished and required hereunder  
17 the department may consider the information therein contained in  
18 determining which is the lowest responsible bidder.

19 The terms "architect" and "architecture" used in this article  
20 shall include landscape architects and landscape architecture,  
21 respectively.

22 Section 16. Sections 2413(b) and 2415 of the act are  
23 repealed.

24 Section 17. The annual salary of the Secretary of General  
25 Services shall be \$40,000.

26 Section 18. (a) All personnel, allocations, appropriations,  
27 agreements, leases, claims, demands and causes of action of any  
28 nature whether or not subject to litigation on the date of this  
29 act, equipment, files, records, classified data files, plans,  
30 maps, air photographs, and all other materials which are used,

1 employed or expended in connection with the duties, powers or  
2 functions of the Department of Property and Supplies and/or The  
3 General State Authority are hereby transferred by this act to  
4 the Department of General Services with the same force and  
5 effect as if the appropriations had been made to and said items  
6 had been the property of the Department of General Services in  
7 the first instance and if said contracts, agreements, leases and  
8 obligations had been incurred or entered into by the Department  
9 of General Services.

10 (b) All personnel transferred to the Department of General  
11 Services from other State departments and agencies pursuant to  
12 this act shall retain any civil service or other employment  
13 status assigned to said personnel in those departments or  
14 agencies prior to the effective date of this act.

15 Section 19. Nothing contained in this act shall be construed  
16 to affect any project of The General State Authority upon which  
17 any of the proceeds of its bonds have been or may be expended.

18 Section 20. (a) Whenever in any law, reference is made to  
19 the Department of Property and Supplies, such reference shall be  
20 deemed to refer to and include the Department of General  
21 Services.

22 (b) Whenever in any law, reference is made to the Secretary  
23 of Property and Supplies, such reference shall be deemed to  
24 refer to the Secretary of General Services.

25 Section 21. There are hereby transferred to the Department  
26 of General Services all of the functions, powers and duties of:

27 (a) The Department of Property and Supplies.

28 (b) The General State Authority under the act of March 31,  
29 1949 (P.L.372, No.34), known as "The General State Authority Act  
30 of one thousand nine hundred forty-nine."

1 (c) The Capitol Park Extension Commission under the act of  
2 June 3, 1943 (P.L.818, No.346), entitled "An act for the  
3 extension of Capitol Park in the City of Harrisburg and for the  
4 acquisition of real estate in connection therewith, and for the  
5 demolition of the buildings and structures thereon; providing  
6 for and imposing powers and duties upon a Capitol Park Extension  
7 Commission; conferring powers and duties upon the Department of  
8 Property and Supplies; and making an appropriation."

9 (d) The division of Surplus Property Disposal under  
10 Reorganization Plan No. 8 of 1955.

11 Section 22. (a) The General State Authority organized and  
12 existing under the act of March 31, 1949 (P.L.372, No.34), known  
13 as "The General State Authority Act of one thousand nine hundred  
14 forty-nine," shall continue in existence and maintain the rights  
15 vested in the authority until all General State Authority bonds  
16 at any time issued, together with the interest thereon, are  
17 fully met and discharged, at which time The General State  
18 Authority is abolished.

19 (b) The Capitol Park Extension Commission organized and  
20 existing under the act of June 3, 1943 (P.L.818, No.346),  
21 entitled "An act for the extension of Capitol Park in the City  
22 of Harrisburg and for the acquisition of real estate in  
23 connection therewith, and for the demolition of the buildings  
24 and structures thereon; providing for and imposing powers and  
25 duties upon a Capitol Park Extension Commission; conferring  
26 powers and duties upon the Department of Property and Supplies;  
27 and making an appropriation."

28 Section 23. All other acts and parts of acts, general, local  
29 and special, are repealed in so far as they are inconsistent  
30 herewith.

1       Section 24.   This act shall take effect in 90 days.