

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 167 Session of  
1997

INTRODUCED BY HOLL, JANUARY 21, 1997

REFERRED TO STATE GOVERNMENT, JANUARY 21, 1997

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 employes 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 employes of certain departments, boards and  
20 commissions shall be determined," extending contract  
21 piggybacking to private academic schools, private residential  
22 rehabilitative institutions, approved private schools and  
23 nonprofit literacy councils.

24 The General Assembly of the Commonwealth of Pennsylvania  
25 hereby enacts as follows:

26 Section 1. Section 2403(h) of the act of April 9, 1929  
27 (P.L.177, No.175), known as The Administrative Code of 1929,  
28 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 private academic schools as defined in section 2 of the act of  
6 January 28, 1988 (P.L.24, No.11), known as the "Private Academic  
7 Schools Act," private residential rehabilitative institutions as  
8 defined in section 914.1-A of the act of March 10, 1949 (P.L.30,  
9 No.14), known as the "Public School Code of 1949," approved  
10 private schools as defined in section 1376 of the "Public School  
11 Code of 1949," and nonprofit literacy councils established under  
12 the act of October 22, 1986 (P.L.1452, No.143), known as the  
13 "Adult Literacy Act," may submit their requests for the  
14 purchases of materials, supplies and equipment to the  
15 subdivision in which they are located for inclusion in [the]  
16 participation [thereof] in purchase contracts entered into by  
17 the department. Any such [company's] requests may be included by  
18 such political subdivisions if accompanied by the agreement of  
19 the [company] entity making the request that it will be bound by  
20 the terms and conditions prescribed by the political subdivision  
21 and that it will be responsible for payment directly to the  
22 vendor under each purchase contract.

23 \* \* \*

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