

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1969 Session of 1972

INTRODUCED BY MESSRS. LAUDADIO, DININNI, McCLATCHY, MEBUS, SCHEAFFER, MURTHA, RENWICK AND BENNETT, FEBRUARY 28, 1972

AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 17, 1972

AN ACT

1 Relating to the prevention of environment pollution and the
2 preservation of public natural resources in construction
3 projects.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. All invitations for proposals for construction
7 projects (BUT NOT INCLUDING HIGHWAYS) issued by the
8 Commonwealth, its authorities or agencies, or any political
9 subdivision of the Commonwealth, shall set forth the specific
10 measures which must be undertaken by the successful bidder to
11 comply with the provisions of the Constitution of the
12 Commonwealth of Pennsylvania and Federal, State and local
13 statutes, ordinances and regulations dealing with the prevention
14 of environment pollution and the preservation of public natural
15 resources. If the successful bidder must undertake measures not
16 specified in the invitation for proposal, including measures
17 required due to the enactment of new or the amendment of
18 existing statutes, ordinances or regulations occurring after the

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1 submission of the successful proposal, the awarding agency shall  
2 issue a change order setting forth the additional measures that  
3 must be undertaken, which shall not invalidate the contract. The  
4 cost of such a change order to the awarding agency shall be  
5 determined in accordance with the provisions of the contract for  
6 change orders or force accounts or, if no such provision is set  
7 forth in the contract, then the cost to the awarding agency  
8 shall be the contractor's costs for wages, labor costs other  
9 than wages, wage taxes, materials, equipment rentals, insurance  
10 and subcontracts attributable to the additional activity plus a  
11 ~~sum equal to fifteen per cent of such costs for the contractor's~~ <—  
12 ~~overhead and profit.~~ REASONABLE SUM FOR OVERHEAD AND PROFIT: <—  
13 PROVIDED, HOWEVER, THAT SUCH ADDITIONAL COSTS TO UNDERTAKE  
14 MEASURES NOT SPECIFIED IN THE INVITATION FOR PROPOSAL SHALL NOT  
15 BE APPROVED UNLESS WRITTEN AUTHORIZATION IS GIVEN THE SUCCESSFUL  
16 BIDDER PRIOR TO HIS UNDERTAKING SUCH ADDITIONAL ACTIVITY. IN THE  
17 EVENT OF A DISPUTE BETWEEN THE AWARDING AGENCY AND THE  
18 SUCCESSFUL BIDDER, ARBITRATION PROCEDURES MAY BE COMMENCED UNDER  
19 THE APPLICABLE TERMS OF THE CONSTRUCTION CONTRACT, OR, IF THE  
20 CONTRACT CONTAINS NO SUCH PROVISION FOR ARBITRATION, THE THEN  
21 OBTAINING RULES OF THE AMERICAN ARBITRATION ASSOCIATION.

22 Section 2. This act shall take effect in thirty days but  
23 shall not apply to any contract awarded pursuant to an  
24 invitation for bids issued on or before the date it takes  
25 effect, or to any persons or bonds in respect of any such  
26 contract.