
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

SENATOR AMMERMAN, FORESTS AND WATERS, GAME AND FISH, IN SENATE,
AS AMENDED, JUNE 28, 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

1 existing statutes, ordinances or regulations occurring after the
2 submission of the successful proposal, the awarding agency shall
3 issue a change order setting forth the additional measures that
4 must be undertaken, which shall not invalidate the contract. The
5 cost of such a change order to the awarding agency shall be
6 determined in accordance with the provisions of the contract for
7 change orders or force accounts or, if no such provision is set
8 forth in the contract, then the cost to the awarding agency
9 shall be the contractor's costs for wages, labor costs other
10 than wages, wage taxes, materials, equipment rentals, insurance
11 and subcontracts attributable to the additional activity plus a
12 reasonable sum for overhead and profit: Provided, however, That
13 such additional costs to undertake measures not specified in the
14 invitation for proposal shall not be approved unless written
15 authorization is given the successful bidder prior to his
16 undertaking such additional activity. In the event of a dispute
17 between the awarding agency and the successful bidder,
18 arbitration procedures may be commenced under the applicable
19 terms of the construction contract, or, if the contract contains
20 no such provision for arbitration, the then obtaining rules of
21 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.