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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 1969** Session of  
1972

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

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AS AMENDED ON SECOND CONSIDERATION, IN SENATE, SEPTEMBER  
11, 1972

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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~~ THOSE PROVISIONS OF FEDERAL AND STATE <—  
14 STATUTES, RULES and regulations dealing with the prevention of  
15 environment pollution and the preservation of public natural  
16 resources THAT AFFECT THE PROJECTS. If the successful bidder <—  
17 must undertake ~~measures not specified in the invitation for~~ <—

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

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