

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1520 Session of
1990

INTRODUCED BY GREENWOOD, SHAFFER, CORMAN, PORTERFIELD AND
STEWART, MARCH 15, 1990

REFERRED TO STATE GOVERNMENT, MARCH 15, 1990

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," requiring independent
21 agencies of the Commonwealth, and the General Assembly and
22 its agencies, to comply with the same procedures for the
23 procurement of goods and supplies and the procurement of
24 services as required for executive agencies; and making
25 repeals.

26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

28 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
29 as The Administrative Code of 1929, is amended by adding an

1 article to read:

2 ARTICLE XXIV-B

3 UNIFORM PROCUREMENT PROCEDURE

4 Section 2401-B. Uniformity in Procurement Procedures.--(a)
5 General rule.--In order to bring about a uniformity in the
6 procedures involved in the procurement of goods and supplies and
7 in the procurement of services by all State government agencies,
8 and notwithstanding the provisions of any other law, each
9 independent agency of the Commonwealth, and the General Assembly
10 and its agencies, shall be subject to and comply with all laws
11 of this Commonwealth and all regulations adopted pursuant to
12 such laws, governing the procurement of goods and supplies, and
13 the procurement of services by executive agencies.

14 (b) Contracts for goods and supplies.--Contracts for goods
15 and supplies shall be awarded on a competitive bid basis in
16 accordance with the methods prescribed by 4 Pa.C.S. Ch. 69
17 (relating to methods of awarding contracts). It shall be the
18 duty of the department to amend the regulations to the extent
19 deemed necessary to extend their application to independent
20 agencies, and the General Assembly and its agencies, without
21 undue inconvenience to such agencies.

22 (c) Contracts for services.--It shall be the duty of the
23 department to formulate a uniform policy governing the
24 procurement of services on a competitive bid basis by executive
25 agencies, independent agencies, and the General Assembly and its
26 agencies. The policy so formulated shall be promulgated in the
27 form of regulations as provided in 45 Pa.C.S. Part II (relating
28 to effectiveness of Commonwealth documents).

29 Section 2402-B. Exceptions to Competitive Bidding.--
30 Regulations promulgated by the department shall provide for and

be limited to the following exceptions to the requirement for competitive sealed bidding:

(1) Sole source procurement.--A contract may be awarded without competition when the secretary determines that there is only one source for the required good, supply or service. Whenever only one bid is invited, however, the bid and requisition shall be submitted to the Board of Commissioners of Public Grounds and Buildings for approval or disapproval.

(2) Emergency procurement.--The Secretary of General Services may make or authorize any executive agency, independent agency or the General Assembly and its agencies, to make emergency procurements of goods and supplies and services when there exists an imminent threat to the public health, welfare or safety, or the urgency of the need does not permit the delay involved in utilizing more formal competitive methods. However, whenever practical, at least two bids shall be solicited.

(3) Small purchases.--Provided the goods or supply is not the subject of a requirements contract between the department and a contractor, the department may authorize in writing any executive agency, independent agency or the General Assembly and its agencies to make purchases in the field, not exceeding the amount established in the Field Purchasing Manual of the Department of General Services, but records of the purchases shall be transmitted to the department. These purchases shall be made from the lowest responsible bidder of at least two bidders.

Section 2403-B. Definitions.--As used in this article:

"Contract" means an agreement between the Commonwealth or any executive agency or independent agency of the Commonwealth and another party that creates, modifies or terminates a legal relationship.

1 "Department" means the Department of General Services of the
2 Commonwealth.

3 "Executive agency" means the Governor and the departments,
4 boards, commissions, authorities and other officers and agencies
5 of the Commonwealth government. The term does not include any
6 court or other officer or agency of the unified judicial system,
7 the General Assembly and its officers and agencies, or any
8 independent agency.

9 "Goods and supplies" means equipment, furniture and
10 furnishings, stationery, materials or supplies.

11 "Independent agency" means boards, commissions, authorities
12 and other agencies and officers of the Commonwealth government
13 which are not subject to the policy supervision and control of
14 the Governor. The term includes, but is not limited to, the
15 following:

16 (1) Agricultural Lands Condemnation Approval Board.

17 (2) Capitol Preservation Committee.

18 (3) State Civil Service Commission.

19 (4) Board of Claims.

20 (5) Pennsylvania Convention Center Authority.

21 (6) Pennsylvania Crime Commission.

22 (7) Pennsylvania Deposit Insurance Corporation.

23 (8) Pennsylvania Economic Development Financing Authority.

24 (9) Pennsylvania Higher Education Assistance Agency.

25 (10) Postsecondary Education Planning Commission.

26 (11) Board of Governors of State System of Higher Education.

27 (12) Commission of Presidents of State System of Higher
28 Education.

29 (13) Councils of Trustees of Institutions of State System of
30 Higher Education.

1 (14) State System of Higher Education.

2 (15) Board of Directors of the Pennsylvania Emergency Health
3 Services Council.

4 (16) Pennsylvania Emergency Management Agency.

5 (17) Pennsylvania Emergency Management Council.

6 (18) Environmental Hearing Board.

7 (19) Environmental Hearing Board Rules Committee.

8 (20) State Ethics Commission.

9 (21) Pennsylvania Fish Commission.

10 (22) Flagship Niagara Commission.

11 (23) Pennsylvania Game Commission.

12 (24) Hazardous Waste Facility Siting Commission.

13 (25) Health Care Cost Containment Council.

14 (26) Pennsylvania Historical and Museum Commission.

15 (27) Pennsylvania Housing Finance Agency.

16 (28) Independent Regulatory Review Commission.

17 (29) Pennsylvania Infrastructure Investment Authority.

18 (30) Pennsylvania Insurance Guaranty Association.

19 (31) Lawyer Trust Account Board.

20 (32) Pennsylvania Life and Health Insurance Guaranty
21 Association.

22 (33) Board of Trustees of Lincoln University.

23 (34) Pennsylvania Liquor Control Board.

24 (35) Intra-Governmental Council on Long-Term Care.

25 (36) Commonwealth Mental Health Research Foundation.

26 (37) Milrite Council.

27 (38) Pennsylvania Minority Business Development Authority.

28 (39) Municipal Pension Advisory Committee.

29 (40) Pennsylvania Municipal Retirement Board.

30 (41) Pennsylvania Nursing Home Loan Agency.

1 (42) Committee on Oversight.

2 (43) Board of Trustees of The Pennsylvania State University.

3 (44) Philadelphia Regional Port Authority.

4 (45) Board of Trustees of University of Pittsburgh.

5 (46) Pennsylvania Board of Probation and Parole.

6 (47) Public Employee Retirement Study Commission.

7 (48) Public School Employees' Retirement Board.

8 (49) Pennsylvania Public Television Network Commission.

9 (50) Pennsylvania Public Utility Commission.

10 (51) Pennsylvania Savings Association Insurance Corporation.

11 (52) Pennsylvania Securities Commission.

12 (53) State Employees' Retirement Board.

13 (54) State Tax Equalization Board.

14 (55) Board of Trustees of Temple University.

15 (56) Pennsylvania Turnpike Commission.

16 (57) Pennsylvania Veterans' Memorial Commission.

17 (58) Wild Resource Conservation Board.

18 The term does not include any court or other officer or
19 agency of the unified judicial system or the General Assembly
20 and its officers and agencies.

21 "Secretary" means the Secretary of General Services of the
22 Commonwealth or a designee.

23 "Services" means the furnishing of labor, time or effort by a
24 contractor, not involving the delivery of goods except those
25 goods incidental to the work to be performed. The term includes
26 the work of consultants, temporary labor, professional or
27 technical services, maintenance, provider services, etc.

28 Section 2. All acts and parts of acts are repealed insofar
29 as they are inconsistent with this act.

30 Section 3. This act shall take effect as follows:

1 (1) The provisions of section 2401-B(b) and (c) imposing
2 a duty upon the Department of General Services to amend and
3 to formulate and promulgate regulations shall take effect
4 immediately.

5 (2) The remainder of this act shall take effect 60 days
6 after the regulations finally adopted by the Department of
7 General Services to carry out the purposes of this act are
8 published in the Pennsylvania Bulletin.