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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# SENATE RESOLUTION

No. 207 Session of  
2013

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INTRODUCED BY FOLMER, WHITE, ALLOWAY AND SMUCKER,  
OCTOBER 15, 2013

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REFERRED TO STATE GOVERNMENT, OCTOBER 15, 2013

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A RESOLUTION

1 Directing the Joint State Government Commission to conduct a  
2 comprehensive study of the costs and efficiencies of the  
3 requirements under Pennsylvania's public construction laws.

4 WHEREAS, Public construction in this Commonwealth accounts  
5 for nearly \$36 billion annually in State spending; and

6 WHEREAS, Public construction includes a wide range of  
7 projects, including renovations to State government buildings  
8 and local school buildings; and

9 WHEREAS, Public construction constitutes a significant share  
10 of economic activity in this Commonwealth and is a major  
11 economic driver and job creator; and

12 WHEREAS, For more than 100 years, there have been no  
13 substantive changes to this Commonwealth's public construction  
14 laws; and

15 WHEREAS, During that period, as with every other industry in  
16 the United States, major changes have occurred with technology,  
17 management techniques and practices, materials and the need for  
18 greater energy efficiency in the design and construction

1 industry; and

2 WHEREAS, The Commonwealth, the design community, contractors,  
3 trades people and laborers would benefit from a thorough review  
4 and possible recommendations for stakeholders to consider  
5 potential changes to this Commonwealth's public construction  
6 laws; and

7 WHEREAS, The key principles of any changes to this  
8 Commonwealth's public construction laws shall include  
9 transparency, flexibility, accountability and efficiency;  
10 therefore be it

11 RESOLVED, That the Senate direct the Joint State Government  
12 Commission to establish a task force to compare public and  
13 private construction projects to identify ways to improve public  
14 construction projects; and be it further

15 RESOLVED, That the task force be appointed by the President  
16 pro tempore of the Senate, in consultation with the Majority  
17 Leader and Minority Leader of the Senate, and the Speaker of the  
18 House of the Representatives, in consultation with the Majority  
19 Leader and Minority Leader of the House of Representatives, and  
20 shall be comprised of two members of the Senate, two members of  
21 the House of Representatives, two representatives of contractors  
22 with one representing merit shops and one representing union  
23 contractors (both contractors should have the ability to work  
24 both as a contractor and as a construction manager with bonding  
25 and insurance capabilities), two representatives of trade  
26 unions, two merit shop contractors with more than 150 full-time  
27 employees, two attorneys who dedicate the majority of their  
28 practice time to construction law, two design industry  
29 representatives, three representatives of public agencies or  
30 public sector owners specializing in the procurement process

1 (one representative from the Pennsylvania Department of General  
2 Services, one representative from the Pennsylvania Department of  
3 Education and one representative from the Pennsylvania  
4 Department of Transportation) and two private sector owners who  
5 have built over \$50 million in fully private construction  
6 projects within the past three years; and be it further

7       RESOLVED, That the task force review and analyze 20  
8 Pennsylvania construction projects, ten privately bid and  
9 awarded, five bid and awarded by the Department of General  
10 Services and five bid and awarded by school districts, to  
11 compare the estimated original costs, bid costs, actual costs,  
12 number and amount of change orders and estimated completion  
13 dates and actual completion dates; and be it further

14       RESOLVED, That the Joint State Government Commission submit a  
15 report of the study to the Senate no later than December 31,  
16 2014.