

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 713 Session of 2015

INTRODUCED BY DAVIDSON, COHEN, THOMAS, DAVIS AND V. BROWN,
MARCH 4, 2015

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 4, 2015

AN ACT

1 Amending Title 62 (Procurement) of the Pennsylvania Consolidated
 2 Statutes, in general provisions, further providing for
 3 application of part and for definitions; providing for public
 4 access to procurement information; in procurement
 5 organization, further providing for procurement
 6 responsibility, for powers and duties and for Board of
 7 Commissioners of Public Grounds and Buildings; in source
 8 selection and contract formation, further providing for
 9 methods of source selection, for competitive sealed bidding,
 10 for competitive electronic auction bidding, for competitive
 11 sealed proposals, for small procurements, for sole source
 12 procurement, for emergency procurement, for multiple awards,
 13 for competitive selection procedures for certain services,
 14 for selection procedure for insurance and notary bonds, for
 15 cost or pricing data and for record of certain actions; in
 16 procurement of construction and design professional services,
 17 further providing for procurement of design professional
 18 services; in intergovernmental relations, further providing
 19 for cooperative purchasing authorized; and making editorial
 20 changes.

21 The General Assembly of the Commonwealth of Pennsylvania
 22 hereby enacts as follows:

23 Section 1. Section 102(a) and (c) of Title 62 of the
 24 Pennsylvania Consolidated Statutes are amended to read:

25 § 102. Application of part.

26 (a) Application to Commonwealth [procurement] agencies.--

27 This part applies to every expenditure of funds, other than the

1 investment of funds, by Commonwealth agencies under any
2 contract, irrespective of their source, including Federal
3 assistance moneys except as specified in section 2108 (relating
4 to compliance with Federal requirements). This part does not
5 apply to contracts between Commonwealth agencies or between the
6 Commonwealth and its political subdivisions or other governments
7 except as provided in Chapter 19 (relating to intergovernmental
8 relations). Nothing in this part or in accompanying regulations
9 shall prevent any Commonwealth agency or political subdivision
10 from complying with the terms and conditions of any grant, gift,
11 bequest or cooperative agreement.

12 * * *

13 [(c) Application to General Assembly and unified judicial
14 system.--The General Assembly and its agencies and the unified
15 judicial system and its agencies may use the department as its
16 purchasing agency for the purchase of supplies under this part
17 and may use the department to dispose of surplus supplies under
18 Chapter 15 (relating to supply management).]

19 * * *

20 Section 2. The definitions of "Commonwealth agency,"
21 "contracting officer," "executive agency," "independent agency,"
22 "purchasing agency," "State-affiliated entity" and "supplies" in
23 section 103 of Title 62 are amended and the section is amended
24 by adding definitions to read:

25 § 103. Definitions.

26 Subject to additional definitions contained in subsequent
27 provisions of this part which are applicable to specific
28 provisions of this part, the following words and phrases when
29 used in this part shall have the meanings given to them in this
30 section unless the context clearly indicates otherwise:

1 * * *

2 "Commonwealth agency." An executive agency, a legislative
3 agency, a judicial agency, an independent agency or a State-
4 affiliated entity.

5 "Competitive procurement." Procurement under sections 512
6 (relating to competitive sealed bidding), 512.1 (relating to
7 competitive electronic auction bidding), 513 (relating to
8 competitive sealed proposals), 517 (relating to competitive
9 procurement on a multiple award basis), 518 (relating to
10 competitive selection procedures for certain services), 519
11 (relating to selection procedure for insurance and notary bonds)
12 and 905 (relating to procurement of design professional
13 services).

14 * * *

15 "Contracting agency." A Commonwealth agency which seeks
16 procurement of a supply, service or construction.

17 "Contracting officer." A person authorized to enter into and
18 administer contracts and make written determinations with
19 respect to contracts for a contracting agency.

20 * * *

21 "Executive agency."

22 (1) Any of the following:

23 (i) The Governor and the departments, boards,
24 commissions, authorities and other officers and agencies
25 of the [Commonwealth] executive branch.

26 (ii) The State Treasurer and the Office of the State
27 Treasurer.

28 (iii) The Auditor General and the Office of the
29 Auditor General.

30 (iv) The Attorney General and the Office of Attorney

1 General.

2 (2) The term does not include [any court or other
3 officer or agency of the unified judicial system, the General
4 Assembly and its officers and agencies or any] a judicial
5 agency, legislative agency, independent agency [or], State-
6 affiliated entity, State-related institution, political
7 subdivision or local, regional or metropolitan transportation
8 authority.

9 * * *

10 "Independent agency." Boards, commissions and other agencies
11 and officers of the Commonwealth which are not subject to the
12 policy supervision and control of the Governor. The term does
13 not include [any] an executive agency, a judicial agency,
14 legislative agency, State-affiliated entity, [any court or other
15 officer or agency of the unified judicial system, the General
16 Assembly and its officers and agencies, any] State-related
17 institution, political subdivision or [any] local, regional or
18 metropolitan transportation authority.

19 * * *

20 "Judicial agency." The Supreme Court, Superior Court,
21 Commonwealth Court or any other court or other officer or agency
22 of the unified judicial system. The term does not include an
23 executive agency, a legislative agency, independent agency,
24 State-affiliated entity, State-related institution, political
25 subdivision or local, regional or metropolitan transportation
26 authority.

27 "Legislative agency."

28 (1) Any of the following:

29 (i) The Senate of Pennsylvania and a member thereof.

30 (ii) The Pennsylvania House of Representatives and a

1 member thereof.

2 (iii) Another officer or agency of the General
3 Assembly.

4 (2) The term does not include an executive agency,
5 judicial agency, independent agency, State-affiliated entity,
6 State-related institution, political subdivision or any
7 local, regional or metropolitan transportation authority.

8 "Lobbying." As defined in 65 Pa.C.S. § 13A03 (relating to
9 definitions).

10 "Lobbying firm." As defined in 65 Pa.C.S. § 13A03 (relating
11 to definitions).

12 "Lobbyist." As defined in 65 Pa.C.S. § 13A03 (relating to
13 definitions).

14 * * *

15 "Purchasing agency." A Commonwealth agency authorized by
16 this part or by other law to enter into contracts for itself or
17 as the agent [of another Commonwealth] for a contracting agency.
18 When purchasing for itself, the agency is both the contracting
19 agency and the purchasing agency. When purchasing for another
20 [Commonwealth] contracting agency, the purchasing agency acts on
21 behalf of the [principal which needs the supplies, services and
22 construction] contracting agency and shall coordinate and
23 cooperate with [that] the contracting agency.

24 * * *

25 "State-affiliated entity." A Commonwealth authority or a
26 Commonwealth entity. The term includes the Pennsylvania Turnpike
27 Commission, the Pennsylvania Housing Finance Agency, the
28 Pennsylvania Municipal Retirement System, the Pennsylvania
29 Infrastructure Investment Authority, the State Public School
30 Building Authority, the Pennsylvania Higher Educational

1 Facilities Authority and the State System of Higher Education.
2 The term does not include [any court or other officer or agency
3 of the unified judicial system, the General Assembly and its
4 officers and agencies, any] a judicial agency, legislative
5 agency, State-related institution, political subdivision or any
6 local, regional or metropolitan transportation authority.

7 * * *

8 "Supplies." Any property[, including, but not limited to,].
9 The term includes equipment, materials, printing, insurance and
10 leases of and installment purchases of tangible or intangible
11 personal property. The term does not include real property,
12 leases of real property or alcoholic beverages or liquor
13 purchased for resale by the Pennsylvania Liquor Control Board.

14 * * *

15 Section 3. Title 62 is amended by adding a section to read:
16 § 106.1. Public access to procurement information.

17 (a) Access.--Information concerning a procurement shall be
18 made public consistent with the act of February 14, 2008 (P.L.6,
19 No.3), known as the Right-to-Know Law.

20 (b) Access for noncompetitive contracts.--Except as provided
21 under subsection (c), if a procurement is to be made under
22 section 513 (relating to competitive sealed proposals), 517
23 (relating to competitive procurement on a multiple award basis),
24 518 (relating to competitive selection procedures for certain
25 services), 519 (relating to selection procedure for insurance
26 and notary bonds) or 905 (relating to procurement of design
27 professional services), at least five business days prior to
28 execution by the contracting officer the purchasing agency shall
29 post the proposed contract on its Internet website.

30 (c) Exception.--All of the following are applicable to a

1 procurement under section 516 (relating to emergency
2 procurement):

3 (1) Subsection (b) shall not apply.

4 (2) The signed contract shall be posted on the Internet
5 website of the purchasing agency within 10 days after the
6 execution of the contract by all parties to the contract.

7 Section 4. Section 301 of Title 62 is amended by adding
8 subsections to read:

9 § 301. Procurement responsibility.

10 * * *

11 (e) Application to legislative agencies.--Legislative
12 agencies shall formulate their own procurement policy governing
13 the procurement, management, control and disposal of supplies,
14 services and construction and may act as their own purchasing
15 agency for the procurement of supplies, services and
16 construction, except that they shall use the procedures provided
17 under this part for the procurement. A legislative agency may
18 use the department as its purchasing agency for the purchase of
19 supplies, services and construction under this part and may use
20 the department to dispose of surplus supplies under Chapter 15
21 (relating to supply management).

22 (f) Application to judicial agencies.--Judicial agencies may
23 formulate their own procurement policy governing the
24 procurement, management, control and disposal of supplies,
25 services and construction and may act as their own purchasing
26 agency for the procurement of supplies, services and
27 construction, except that they shall use the procedures provided
28 under this part for the procurement. A judicial agency may use
29 the department as its purchasing agency for the purchase of
30 supplies, services and construction under this part and may use

1 the department to dispose of surplus supplies under Chapter 15.

2 Section 5. Sections 311, 326, 511, 512(a), 512.1(a), 513(a),
3 (b) and (g), 514, 515, 516, 517, 518(a), (c) and (e), 519(a) and
4 (c), 534(a)(1), 564 introductory paragraph, 905(a) and 1902 of
5 Title 62 are amended to read:

6 § 311. Powers and duties.

7 Except as otherwise provided in this part, the department may
8 promulgate regulations governing the procurement, management,
9 control and disposal of any and all supplies, services and
10 construction to be procured by [Commonwealth] executive agencies
11 and independent agencies. The department shall consider and
12 decide matters of policy within the provisions of this part
13 relating to executive agencies and independent agencies. The
14 department may audit and monitor the implementation of its
15 regulations and the requirements of this part.

16 § 326. Board of Commissioners of Public Grounds and Buildings.

17 No lease of real estate for use by an executive agency or
18 independent agency [and no sole source procurement of supplies,
19 except for computer software updates under \$50,000, for an
20 executive or independent agency] for which the department acts
21 as the purchasing agency shall be valid or effective unless,
22 upon review, it is approved by the Board of Commissioners of
23 Public Grounds and Buildings. [Where the board is reviewing a
24 proposed sole source lease or procurement being submitted
25 pursuant to section 515 (relating to sole source procurement),
26 approval of the lease or procurement shall require the unanimous
27 vote of the board. Where the board is reviewing a] A proposed
28 [non-sole source lease, the] lease shall be approved when one
29 member of the board votes to approve the lease. All votes shall
30 take place at a public meeting.

1 § 511. Methods of source selection.

2 Unless otherwise authorized by law, all Commonwealth agency
3 contracts shall be awarded by competitive sealed bidding under
4 section 512 (relating to competitive sealed bidding) except as
5 provided in:

6 Section 512.1 (relating to competitive electronic auction
7 bidding).

8 Section 513 (relating to competitive sealed proposals).

9 Section 514 (relating to small procurements).

10 [Section 515 (relating to sole source procurement).]

11 Section 516 (relating to emergency procurement).

12 Section 517 (relating to [multiple awards] competitive
13 procurement on a multiple award basis).

14 Section 518 (relating to competitive selection procedures
15 for certain services).

16 Section 519 (relating to selection procedure for
17 insurance and notary bonds).

18 Section 520 (relating to supplies manufactured and
19 services performed by persons with disabilities).

20 Section 905 (relating to procurement of design
21 professional services).

22 § 512. Competitive sealed bidding.

23 (a) Conditions for use.--Contracts for supplies, services
24 and construction shall be awarded by competitive sealed bidding
25 except as otherwise provided [in section 511 (relating to
26 methods of source selection)] under this chapter.

27 * * *

28 § 512.1. Competitive electronic auction bidding.

29 (a) Conditions for use.--If the contracting officer of the
30 purchasing agency determines in writing that use of competitive

1 [electronic auction] sealed bidding is not in the best interests
2 of the Commonwealth[,] and that the use of competitive
3 electronic auction bidding is more advantageous to the
4 Commonwealth, the purchasing agency may enter into a contract
5 for supplies or services, but not construction, [may be entered
6 into] by competitive electronic auction bidding.

7 * * *

8 § 513. Competitive sealed proposals.

9 [(a) Conditions for use.--When the contracting officer
10 determines in writing that the use of competitive sealed bidding
11 is either not practicable or advantageous to the Commonwealth, a
12 contract may be entered into by competitive sealed proposals.

13 (b) Request for proposals.--Proposals shall be solicited
14 through a request for proposals.]

15 (a) Conditions for use.--If the head of a contracting agency
16 determines in writing that the use of competitive sealed bidding
17 is not in the best interests of the Commonwealth and that the
18 use of competitive sealed proposals is more advantageous to the
19 Commonwealth, the purchasing agency may enter into a contract
20 for supplies, services and construction by competitive sealed
21 proposals.

22 (b) Request for proposals.--

23 (1) After making the determination required under
24 subsection (a), proposals shall be solicited through a
25 request for proposals.

26 (2) A request for proposals shall require each offeror
27 to include a statement which contains the following
28 information:

29 (i) Whether the offeror or any of the offeror's
30 directors, officers or owners has made a campaign

1 contribution to a State or local official within the one
2 year immediately preceding the date of the offeror's
3 proposal.

4 (ii) The name of each State or local official named
5 under subparagraph (i) and the official's position.

6 (iii) The aggregate amount of campaign contributions
7 made under subparagraph (i).

8 (3) The statement required under paragraph (2) shall be
9 posted on the purchasing agency's Internet website
10 simultaneously with the posting of a proposed contract under
11 section 106.1(b) (relating to public access to procurement
12 information) or a signed contract under section 106.1(c)(2).

13 * * *

14 (g) Selection for negotiation.--The responsible offeror
15 whose proposal is determined in writing to be the most
16 advantageous to the [purchasing] contracting agency, taking into
17 consideration price and all evaluation factors, shall be
18 selected for contract negotiation.

19 § 514. Small procurements.

20 If the procurement is not the subject of a Statewide
21 requirements contract between the purchasing agency and a
22 contractor, the head of the purchasing agency may authorize in
23 writing procurements without [formal bid procedures, not
24 exceeding the amount established by the purchasing agency] the
25 use of competitive procurement procedures for small
26 procurements. The head of the purchasing agency may authorize a
27 small procurement [of the supply or service] on a no-bid basis
28 for [procurements which do] a supply or service which does not
29 exceed [the amount established by the head of the purchasing
30 agency for small, no-bid procurements.] a total cost of \$5,000.

1 The amount of \$5,000 shall be adjusted annually by the
2 department to reflect the annual percentage change in the
3 Consumer Price Index of the United States Department of Commerce
4 occurring in the one-year period ending December 31 of each
5 year. The head of the purchasing agency may authorize a small
6 procurement on a no-bid basis for [construction projects that
7 do] a construction project which does not exceed a total
8 construction cost of \$10,000. The amount of \$10,000 shall be
9 adjusted annually by the department to reflect the annual
10 percentage change in the Composite Construction Cost Index of
11 the United States Department of Commerce occurring in the one-
12 year period ending December 31 of each year. Procurement
13 requirements shall not be artificially divided so as to
14 constitute a small procurement under this section. Small
15 procurements shall be made in accordance with the requirements
16 of the written authorization and this section. Records of all
17 small procurements shall be transmitted to the purchasing
18 agency.

19 [§ 515. Sole source procurement.

20 A contract may be awarded for a supply, service or
21 construction item without competition if the contracting officer
22 first determines in writing that one of the following conditions
23 exists:

24 (1) Only a single contractor is capable of providing the
25 supply, service or construction.

26 (2) A Federal or State statute or Federal regulation
27 exempts the supply, service or construction from the
28 competitive procedure.

29 (3) The total cost of the supply, service or
30 construction is less than the amount established by the

1 department for small, no-bid procurements under section 514
2 (relating to small procurements).

3 (4) It is clearly not feasible to award the contract for
4 supplies or services on a competitive basis.

5 (5) The services are to be provided by attorneys or
6 litigation consultants selected by the Office of General
7 Counsel, the Office of Attorney General, the Department of
8 the Auditor General or the Treasury Department.

9 (6) The services are to be provided by expert witnesses.

10 (7) The services involve the repair, modification or
11 calibration of equipment and they are to be performed by the
12 manufacturer of the equipment or by the manufacturer's
13 authorized dealer, provided the contracting officer
14 determines that bidding is not appropriate under the
15 circumstances.

16 (8) The contract is for investment advisors or managers
17 selected by the Public School Employees' Retirement System,
18 the State Employees' Retirement System or a State-affiliated
19 entity.

20 (9) The contract is for financial or investment experts
21 to be used and selected by the Treasury Department or
22 financial or investment experts selected by the Secretary of
23 the Budget.

24 (10) The contract for supplies or services is in the
25 best interest of the Commonwealth.

26 The written determination authorizing sole source procurement
27 shall be included in the contract file. With the exception of
28 small procurements under section 514 and emergency procurements
29 under section 516 (relating to emergency procurement), if the
30 sole source procurement is for a supply, except for computer

1 software updates under \$50,000, for which the department acts as
2 purchasing agency, it must be approved by the Board of
3 Commissioners of Public Grounds and Buildings prior to the award
4 of a contract.]

5 § 516. Emergency procurement.

6 [The head of a purchasing agency may make or authorize others
7 to make an emergency procurement when there exists a threat to
8 public health, welfare or safety or circumstances outside the
9 control of the agency create an urgency of need which does not
10 permit the delay involved in using more formal competitive
11 methods. Whenever practical, in the case of a procurement of a
12 supply, at least two bids shall be solicited. A written
13 determination of the basis for the emergency and for the
14 selection of the particular contractor shall be included in the
15 contract file.]

16 (a) Condition of use.--If the head of a contracting agency
17 determines in writing that the use of competitive sealed bidding
18 is not in the best interests of the Commonwealth and that the
19 supply, service or construction is necessary to prevent an
20 immediate threat of personal injury or physical damage to
21 property, the purchasing agency may, after receiving approval by
22 the Board of Commissioners of Public Grounds and Buildings,
23 enter into a contract for the supply, service or construction
24 without the use of competitive procurement.

25 (b) Documentation.--The determination required under
26 subsection (a) shall be placed in the contract file and shall be
27 made available for public inspection in accordance with section
28 106.1 (relating to public access to procurement information).

29 (c) Exception.--For the purposes of this section, a
30 procurement which is necessary to respond to a disaster

1 emergency declared under 35 Pa.C.S. § 7301 (relating to general
2 authority of Governor) shall be deemed to meet the standard set
3 forth in subsection (a).

4 (d) Procurement of supplies.--For procurement of supplies,
5 at least two bids shall be solicited, if practicable.

6 § 517. [Multiple awards] Competitive procurement on a multiple
7 award basis.

8 (a) Conditions for use.--[Contracts may be entered into on a
9 multiple award basis when the head of the purchasing agency
10 determines that one or more of the following criteria is
11 applicable:] If the head of the contracting agency determines in
12 writing that one or more of the conditions listed under
13 subsection (a.1) exists and that the use of multiple contracts
14 is more advantageous to the Commonwealth, the purchasing agency
15 may enter into a contract on a multiple award basis.

16 (a.1) Conditions.--In order for a procurement to be made
17 under this section, the head of a contracting agency must
18 determine that one of the following conditions exists:

19 (1) It is administratively or economically impractical
20 to develop or modify specifications for a myriad of related
21 supplies because of rapid technological changes.

22 (2) The subjective nature in the use of certain supplies
23 and the fact that recognizing this need creates a more
24 efficient use of the item.

25 (3) It is administratively or economically impractical
26 to develop or modify specifications because of the
27 heterogeneous nature of the product lines.

28 (4) There is a need for compatibility with existing
29 systems.

30 (5) The agency should select the contractor to furnish

1 the supply, service or construction based upon best value or
2 return on investment.

3 (b) Solicitation process.--[Invitations to bid or requests
4 for proposals shall be issued for the supplies, services or
5 construction to be purchased.] Invitations to bid shall be
6 issued as provided under section 512(b) (relating to competitive
7 sealed bidding) for supplies, services or construction to be
8 purchased or requests for proposals shall be issued as provided
9 under section 513(b) (relating to competitive sealed proposals)
10 for supplies, services or construction to be purchased.
11 Invitations for bids or requests for proposals shall describe
12 the method for selection of the successful bidders or offerors.

13 (c) Public notice.--Public notice of the invitation for bids
14 or request for proposals shall be given in the same manner as
15 provided in section 512(c) [(relating to competitive sealed
16 bidding)].

17 (d) Receipt of bids or proposals.--Bids shall be opened in
18 the same manner as provided in section 512(d). Proposals shall
19 be received and evaluated in the same manner as provided in
20 section 513(d) and (e) [(relating to competitive sealed
21 proposals)].

22 (e) Award.--[The invitation for bids or request for
23 proposals shall describe the method for selection of the
24 successful bidders or offerors. There are three options:] The
25 purchasing agency shall make contract awards consistent with the
26 following:

27 (1) Awards shall be made to the lowest responsible
28 bidder or offeror for each designated manufacturer.

29 (2) Awards shall be made to the two or three lowest
30 responsible bidders or offerors for each designated

1 manufacturer.

2 (3) Awards shall be made to all responsible bidders or
3 offerors.

4 (f) Selection.--A Commonwealth agency may select a
5 contractor from the bidders or offerors awarded contracts under
6 subsection (e) to furnish the supply, service or construction
7 based upon best value or return on investment.

8 § 518. Competitive selection procedures for certain services.

9 (a) Conditions for use.--The services of accountants,
10 clergy, physicians, lawyers, dentists and other professional
11 services which are not performed by other Commonwealth employees
12 shall be procured in accordance with this section except as
13 authorized under section 514 (relating to small procurements)[,
14 515 (relating to sole source procurement)] or 516 (relating to
15 emergency procurement).

16 * * *

17 (c) Request for proposals.--Adequate notice of the need for
18 the services specified in subsection (a) shall be given by the
19 purchasing agency through a request for proposals. The request
20 for proposals shall describe the services required, list the
21 type of information required of each offeror and state the
22 relative importance of the particular information. Additionally,
23 each request for a proposal shall require the offeror to
24 include the same statement required under section 513(b)
25 (relating to competitive sealed proposals).

26 * * *

27 (e) Award.--Award shall be made to the responsible offeror
28 determined in writing by the contracting officer to be best
29 qualified based on the evaluation factors set forth in the
30 request for proposals. Fair and reasonable compensation shall be

1 determined through negotiation, except that no contract may
2 provide for compensation which exceeds the rate charged other
3 governmental entities for the same or substantially similar
4 services. If compensation cannot be agreed upon with the best
5 qualified responsible offeror, then negotiations will be
6 formally terminated with the offeror. If proposals were
7 submitted by one or more other responsible offerors,
8 negotiations may be conducted with the other responsible offeror
9 or responsible offerors in the order of their respective
10 qualification ranking. The contract may be awarded to the
11 responsible offeror then ranked as best qualified if the amount
12 of compensation is determined to be fair and reasonable.

13 § 519. Selection procedure for insurance and notary bonds.

14 (a) Conditions for use.--Insurance and notary bonds shall be
15 procured by the department in accordance with this section
16 except as authorized under section [515 (relating to sole source
17 procurement) or] 516 (relating to emergency procurement).

18 * * *

19 (c) Request for proposals.--Adequate notice of the need for
20 insurance or notary bond coverage shall be given by the
21 purchasing agency through a request for proposals. The request
22 for proposals shall describe the type of insurance or bond
23 coverage required and list the type of information and data
24 required of each offeror and shall include the same statement
25 required under section 513(b) (relating to competitive sealed
26 proposals).

27 * * *

28 § 534. Cost or pricing data.

29 (a) Submission by contractor.--A contractor shall, except as
30 provided in subsection (c), submit cost or pricing data and

1 shall certify that, to the best of its knowledge and belief, the
2 cost or pricing data submitted was accurate, complete and
3 current as of a mutually determined specified date prior to the
4 date of:

5 (1) the award of any contract under section 513
6 (relating to competitive sealed proposals) [or 515 (relating
7 to sole source procurement)] where, under either section, the
8 total contract price is expected to exceed an amount
9 established by the head of the purchasing agency; or

10 * * *

11 § 564. Record of certain actions.

12 The purchasing agency shall maintain a record listing all
13 contracts made under sections 514 (relating to small
14 procurements)[, 515 (relating to sole source procurement)] and
15 516 (relating to emergency procurement) for a minimum of three
16 years from the date of final payment under the contract. The
17 record shall contain:

18 * * *

19 § 905. Procurement of design professional services.

20 (a) Applicability.--Design professional services shall be
21 procured as provided in this section except as authorized by
22 sections 514 (relating to small procurements)[, 515 (relating to
23 sole source procurement)] and 516 (relating to emergency
24 procurement).

25 * * *

26 § 1902. Cooperative purchasing authorized.

27 A public procurement unit may either participate in, sponsor,
28 conduct or administer a cooperative purchasing agreement for the
29 procurement of any supplies, services or construction with one
30 or more public procurement units or external procurement

1 activities in accordance with an agreement entered into between
2 the participants. The Department of General Services is
3 authorized to enter into cooperative purchasing contracts solely
4 for the use of local public procurement units or State-
5 affiliated entities. The department shall enter into cooperative
6 purchasing contracts for the use of local public procurement
7 units or State-affiliated entities if the number of contractors
8 under a previously existing contract for the same supply or
9 service is reduced to a single contractor or reduced by more
10 than 50% of the number existing on September 30, 2003, and shall
11 award such contracts pursuant to section 517 (relating to
12 [multiple awards] competitive procurement on a multiple award
13 basis) using an invitation for bids. Nothing in this section
14 shall prohibit a local public procurement unit or State-
15 affiliated entity from participating in or procuring from other
16 cooperative purchasing agreements awarded by the department.
17 Cooperative purchasing may include, but is not limited to, joint
18 or multiparty contracts between public procurement units and
19 open-ended purchasing agency contracts which are made available
20 to local public procurement units.

21 Section 6. This act shall take effect in 60 days.