

No. 247

AN ACT

HB 1969

Relating to the prevention of environment pollution and the preservation of public natural resources in construction projects.

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

Section 1. All invitations for proposals for construction projects issued by the Commonwealth, its authorities or agencies, or any political subdivision of the Commonwealth, shall set forth those provisions of Federal and State statutes, rules and regulations dealing with the prevention of environment pollution and the preservation of public natural resources that affect the projects. If the successful bidder must undertake additional work due to the enactment of new or the amendment of existing statutes, rules or regulations occurring after the submission of the successful proposal, the awarding agency shall issue a change order setting forth the additional work that must be undertaken, which shall not invalidate the contract. The cost of such a change order to the awarding agency shall be determined in accordance with the provisions of the contract for change orders or force accounts or, if no such provision is set forth in the contract, then the cost to the awarding agency shall be the contractor's costs for wages, labor costs other than wages, wage taxes, materials, equipment rentals, insurance and subcontracts attributable to the additional activity plus a reasonable sum for overhead and profit: Provided, however, That such additional costs to undertake work not specified in the invitation for proposal shall not be approved unless written authorization is given the successful bidder prior to his undertaking such additional activity. In the event of a dispute between the awarding agency and the successful bidder, arbitration procedures may be commenced under the applicable terms of the construction contract, or, if the contract contains no such provision for arbitration, the then obtaining rules of the American Arbitration Association.

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

APPROVED—The 26th day of October, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 247.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

Secretary of the Commonwealth.