

No. 1977-17

AN ACT

HB 350

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the Department of General Services and other administrative departments to permit any independent college or university and nonprofit fire, rescue and ambulance companies to participate in purchase contracts entered into by the Commonwealth.

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

Section 1. The introductory paragraph and subsection (h) of section 2403, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," subsection (h) amended May 10, 1974 (P.L.283, No.85), is amended to read:

Section 2403. Standards and Purchases.—The Department of **[Property and Supplies] General Services** shall have the power, and its duty shall be:

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(h) To permit subject to such terms and conditions as the Department of **[Property and Supplies] General Services** may, and as hereinafter specifically provided, shall, prescribe, any political subdivision or authority created by a political subdivision **[or]**, the State Public School Building Authority *or any private college or university* to participate in or purchase off purchase contracts for materials, supplies and equipment entered into by the department. Any political subdivision or authority desiring to participate in such purchase contracts shall file with the Department of **[Property and Supplies] General Services** a certified copy of an ordinance or resolution of its governing body *or in the case of a private college or university, an affidavit signed by the president of the college or university or his designee* requesting that it be authorized to participate in purchase contracts of the department and agreeing that it will be bound by such terms and conditions as the department may, and as hereinafter specifically provided, shall, prescribe and that it will be responsible for

payment directly to the vendor under each purchase contract. Any other administrative department authorized to make direct purchases of materials, supplies and equipment may similarly permit political subdivisions or authorities *or any private college or university* to participate in or purchase off purchase contracts entered into by such department. Among such terms and conditions, the department shall prescribe that all prices shall be F.O.B. destination. Political subdivisions and authorities *and private colleges and universities* shall be exempt from existing statutory requirements governing competitive bidding and execution of contracts with respect to the purchase of materials, supplies and equipment under this section. *Nonprofit fire companies, nonprofit rescue companies, and nonprofit ambulance companies may submit their requests for the purchases of materials, supplies and equipment to the subdivision in which located for inclusion in the participation thereof in purchase contracts entered into by the department. Any such company's requests may be included by such political subdivisions if accompanied by the agreement of the company making the request that it will be bound by the terms and conditions prescribed by the political subdivision and that it will be responsible for payment directly to the vendor under each purchase contract.*

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Section 2. This act shall take effect immediately.

APPROVED—The 27th day of June, A. D. 1977.

MILTON J. SHAPP