

## No. 1981-165

## AN ACT

## HB 1642

Amending the act of April 18, 1949 (P.L.604, No.128), entitled "An act to promote the welfare of the people of the Commonwealth; creating a State Highway and Bridge Authority as a body corporate and politic with power to construct, reconstruct, improve, maintain, equip, furnish, and operate highway and bridge projects, and roadside rests, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Highways to grant, assign, convey, or lease to the Authority lands, easements, or rights of way of the Commonwealth and interests therein, and to acquire lands therefor; authorizing said Authority and the Department of Highways to enter into agreements providing for mutual cooperation in furtherance of the construction of any project hereby authorized; granting the right of eminent domain; empowering said Authority to sell and convey projects and property to the Commonwealth; and providing that no debt of the Commonwealth or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this act; and making an appropriation," further providing for award of contracts.

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

Section 1. Section 13, act of April 18, 1949 (P.L.604, No.128), known as the "State Highway and Bridge Authority Act," amended October 4, 1978 (P.L.1037, No.234), is amended to read:

Section 13. Competition in Award of Contracts.—If any project or any portion thereof or any improvement thereof shall be constructed, equipped or furnished pursuant to a contract and the estimated cost thereof exceeds *[two thousand five hundred dollars (\$2,500)] four thousand dollars (\$4,000)*, such contract shall be awarded to the lowest responsible bidder, after advertisement for bids. The Authority may make rules and regulations for the submission of bids and the construction, equipping, furnishing or improvement of any project or portion thereof. Such rules and regulations may provide for the submission of bids to the *Department of Highways* as agent for the Authority, as provided in section five of this act. No contract shall be entered into for construction, equipping, furnishing or improvement of any project or portion thereof, or for the purchase of materials, unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the Authority, and in an amount fixed by the Authority, for the faithful performance of the contract; and such contracts shall also be accompanied by an additional bond for the protection of those who furnish labor and material, in such amount and subject to the same terms and conditions as required by the State Highway Law on contracts for the construction of State highways. Nothing in this section shall be construed to

limit the power of the Authority to construct any project or portion thereof, or any addition, betterment or extension thereto, directly by the officers, agents and employes of the Authority, or by agreement with the Federal or State government, or any agency or department, or either thereof.

Subject to the aforesaid, the Authority may (but without intending by this provision to limit any powers of such authority) enter into and carry out such contracts, or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof, as the Authority may deem desirable or as may be requested by any Federal agency that may assist in the financing of such project or any part thereof.

Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."

Section 2. This act shall take effect in 60 days.

APPROVED—The 22nd day of December, A. D. 1981.

DICK THORNBURGH