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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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NORTHWEST CAUCUS
SOUTHWEST CAUCUS

MEMORANDUM

To: Members of the House of Representatives
From: Representative Guy Travaglio
Date: February 11, 2004
SUBJECT: Proposed Legislation

In the near future, I intend to introduce legislation that would permit counties to pursue an alternative contracting procedure for the construction of a correctional facility. This bill is similar to the legislation enacted for Allegheny County and would drastically reduce the amount of time necessary for the construction process.

The alternative contracting procedure would be adopted at the discretion of the County Board of Commissioners to ensure the efficient, economical, and timely construction of a county correctional facility. It would also include requirements for bidders to adhere to prevailing wage laws and other workforce standards.

If you would like to co-sponsor this legislation, please contact Michelle at 7-7686 or via email at mtharp@pahouse.net.

BOARD OF COUNTY COMMISSIONERS

Scott K. Lowe, Chairman
James L. Kennedy
Glenn L. Anderson

William S. O'Donnell
Director of Adm./Chief Clerk
Julie M. Graham
Solicitor

**BOARD OF COUNTY COMMISSIONERS****Butler County**

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January 15, 2004

The Honorable Mary Jo White
Attention: Ray Steffler
340 South Main Street
Butler, PA 16001

The Honorable Guy Travaglio
Attention: Fred Vero
138 E. Jefferson Street
Butler, PA 16001

VIA FAX 724 282 6852

VIA FAX 724 284 8253

Re: Request from the County of Butler to pursue legislation to
Authorize an Alternative Contracting Procedure

Dear Senator White and Representative Travaglio:

Please be advised that at the January 14, 2004 public meeting of the Board of Commissioners, the Board voted to pursue the enactment of state legislation that would authorize an alternative contracting procedure in the construction of the proposed Butler County prison.

Specifically, the Board wants to explore the adoption of Legislation similar to that authorized for Allegheny County (See enclosed copy). If successful, this legislation would permit the county to pursue the Design-Build alternative contracting procedure which could save many months in the construction process.

The legislation that we propose would be drafted similar to that of the authorizing language for Allegheny County and we propose the following general language amending § 2317 of County Code:

Existing Language:

(A) In preparation of specifications for the erection, construction and alteration of any public building, when the entire cost of such work shall exceed ten thousand dollars (\$10,000) the architect, engineer or other person preparing such specifications shall prepare only the following separate specifications: (1) plumbing, (2) heating, (3) ventilating, (4) electrical work, (5) elevators and moving stairs, and (6) one complete set of specifications for all the other work to be done in such erection, construction and alteration. The board of commissioners shall receive

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separate bids upon each of the said branches of work and award the contract for the same to the lowest responsible bidder for each of said branches, including the balance of the work in addition to the plumbing, heating, ventilating and electrical work, and elevators and moving stairs. Where it is desired to install an air conditioning unit, the heating and ventilating so involved may be regarded as one branch of work having only one set of specifications, and bids may be received and a contract awarded thereon, as hereinbefore provided. (2317 amended July 10, 1990, P.L.379, No.89).

Proposed language:

Notwithstanding the separate specification provisions of subsection (A), the Board of Commissioners may, in its sole discretion, elect to use an alternative contracting procedure to achieve the construction of a new county correctional facility.

(1) If the Board of Commissioners elects to utilize an alternative contracting procedure, the Board shall adopt a Resolution that the use of an alternative contracting procedure is the most efficient, economical and timely method to construct a new county correctional facility. Upon adoption of a Resolution, the Board of Commissioners shall request written proposals from proposers for the construction of a new county correctional facility under an alternative contracting method. In its request for proposals, the Board shall include such terms, conditions and requirements which it deems necessary to protect the interests of the County.

(2) In reviewing and evaluating the proposals for construction of a new county correctional facility, the Board of Commissioners shall, in addition to compliance with the terms, conditions and requirements set forth in the request for proposals, consider the following criteria:

- (I) The cost of the project;
- (II) Experience of the proposer;
- (III) Adherence to the Act of March 3, 1978 (P.L.6, No.3), known as the Steel Products Procurement Act;
- (IV) Adherence to prevailing wage laws and other work force standards; and
- (V) Commitment to the Project Labor Agreement signed by the County Board of Commissioners and the Butler and Venango Counties Building & Construction Trade Council.

After due consideration of proposals under the criteria described above, the Board of Commissioners may, in its discretion, select a proposal and

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award a contract to a responsible proposer for the construction of a new county correctional facility under an alternative contracting procedure. The award of a contract for the construction of a new county correctional facility need not be awarded to the lowest bidder.

(3) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

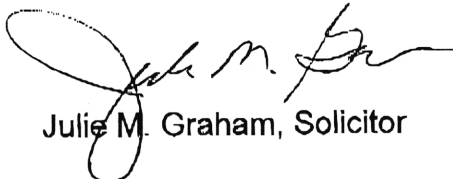
"Alternative Contracting Procedure" A procedure under which a proposer would be responsible for all aspects or phases necessary to achieve the development of a parcel or property. Such aspects or phases of development may include, but not necessarily be limited to, the planning, design, construction and management of property.

"Proposer" A firm, organization, or company or a combination of firms, organizations or companies acting as a partnership, joint venture, consortium or similar joint relationship with sufficient knowledge, experience in the areas of architectural design, construction, financing of real estate development or construction and real estate management.

While we believe that such legislation, if successful, would save time for the County, the Board also indicated in its public meeting that in order for the proposed legislation to be of the most help to the County, the legislation would need to be completely adopted, signed and passed by the Governor no later than 90 days from today's date.

Please advise as to your thoughts and guidance in this matter as soon as possible. As always, we appreciate your help and assistance.

Very truly yours,



Julie M. Graham, Solicitor

JMG/jas

cc: Board of Commissioners