



# Bill would add options for public projects

## *Proponents tout benefits*

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A bill being discussed in Harrisburg would give municipalities, school districts and other public entities more options when securing contractors for a construction project.

House Bill 163, introduced by Garth Everett, R-Lycoming, would repeal the Separations Act of 1913, which requires public entities to use the design-bid-build model when planning a project.

The Separations Act requires those in charge of public entities — whether township or borough managers or elected officials — to advertise for bids for heating, ventilation, plumbing and mechanical contractors on jobs over a certain estimated cost.

Everett and other proponents of HB 163 say the Separations Act forces municipal leaders to oversee construction projects, which pits contractors against one another and might not provide the lowest total cost on projects.

Another detriment of the current model is bid peddling and bid shopping, which proponents of the bill call “abhorrent business practices” that prevent long-term working relationships between contractors.

Pennsylvania is the only remaining state that uses the type of system the Separations Act requires.

HB 163, which is currently being discussed at the committee level, requires that public entities use a “project delivery method” for procuring construction services in excess of \$4,000 by using one of four methods:

Construction management at-risk, which includes the use of a construction manager in the preconstruction and construction phases to guarantee the cost of the project

Design-bid-build with multiple prime contractors, in which architectural and engineering design and construction services are procured under separate contracts

Design-bid-build with a single prime contractor, in which a municipality or school district would contract for architectural and engineering design and construction services under separate agreements

Design-build, in which a contractor is responsible for handling the design and construction for the project

Dan Santoro, Cranberry Township's assistant township manager, said HB 163 provides more flexibility in how a public entity could bid out a construction or addition project.

“Providing municipalities with opportunities to do it in different ways would be helpful,” Santoro said.

He said in the current method, municipalities run into finger-pointing, timing delays, arguments over which contractor should work at the project first and other issues.

Collaboration among contractors would provide a smoother process, Santoro said.

The current model can be difficult for smaller municipalities without township or borough managers, as supervisors and council members must oversee projects.

“Probably half of the municipalities in the state of Pennsylvania don't have full-time staff, so I think there's absolutely an impact there,” Santoro said.

Jon Thomas, president of the project management firm Thomas and Williamson, has served as construction manager for Mars and other local school districts and municipalities over the years.

He said there are pros and cons to both systems.

In the current system, more contractors have the opportunity to bid and a handful of general contractors are prevented from “becoming tyrants,” Thomas said.

But smaller projects can have difficulty in attracting contractors, while larger projects are more conducive to using the current system.

“(Repealing the Separations Act) comes up every couple years, and the Master Builders Association is always the proponent,” Thomas said. “I’ve seen people get really hot on doing it, but there are not enough general contractors out there to take the work.”

He said should HB 163 be successful, it would attract out-of-state contractors and create a more competitive construction market.

“Why wouldn’t you take advantage of that?” Thomas said.

Jon O’Brien, of the Keystone Contractors Association, called the current system “the least collaborative of the systems” because design, advertising for bids and building are completed by three companies that do not normally interact.

“This (lack of) overlap does not take advantage of the expertise of the team and there is very little collaboration on the project,” O’Brien said.

The bill is currently in committee.

State Rep. Aaron Bernstine, R-10th, is listed as a co-sponsor of the bill. He did not return calls on Monday.



**Paula Grubbs**

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Paula Grubbs is a Butler County native who has been with the Butler and Cranberry Eagle newspapers since June 2000. Grubbs has covered the Mars School District and Middlesex Township for



over 20 years with the Eagle and her former employer, the Cranberry Journal. She also covers Adams Township, Evans City and Mars in addition to events and incidents throughout Southwestern Butler County as assigned. Grubbs has taken the lead at the Cranberry Eagle in reporting on shale gas development, which has been a hotly debated topic in the recent past, both locally and nationally. A 1979 graduate of Butler Senior High School and a 1994 graduate of Geneva College, Grubbs has won a Golden Quill and four Keystone state awards, plus an award from the Society of Professional Journalists. Grubbs enjoys following the Penguins, Pirates and Steelers, volunteers with the Connoquenessing Creek Cleanup each summer, and loves spending time outdoors and bird watching at her Penn Township home. Grubbs is the daughter of James R. Davis Sr., of Center Township, and the late Maxine Davis. She has two grown children, Jacqueline and Thomas.