

**House Transportation Committee Voting Meeting**  
**Room 515 Irvis Office**  
**Harrisburg, PA 17120**  
**June 25, 2026**  
**CALL OF THE CHAIR**

**Agenda**

- **SB 1377 (J. Ward)** – Allows the PA Turnpike Commission to use Design Build Best Value procurement for the construction and design of roads and bridges with restrictions.
- **HB 2227 (Burns)** – Designates a bridge in Cambria County as the Martin J. Kupchella Memorial Bridge.

**And any other business that comes before the Committee**

**Adjournment**

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**Attachments:**

- Sunshine Memo
- 06.25.26 Transportation Agenda
- SB1377 Analysis
- SB1377P1798
- HB2227 Analysis
- HB2227P2918
- Committee Vote by Designation

- Committee Official Leave Request

ED NEILSON, MEMBER  
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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

MEMORANDUM

DATE: June 24, 2026

TO: House Transportation Committee Members

FROM: Representative Ed Neilson, Majority Chair  
House Transportation Committee

RE: House Transportation Committee Voting Meeting  
Thursday, June 25, 2026, at CALL OF THE CHAIR.

The House Transportation Committee will meet on Thursday, June 25, 2026, at the CALL OF THE CHAIR in Room 515 Irvis Office Building. The purpose of this meeting will be to consider the following legislation and any other business that may come before the committee:

- **SB 1377 (J. Ward)** – Allows the PA Turnpike Commission to use Design Build Best Value procurement for the construction and design of roads and bridges with restrictions.
- **HB 2227 (Burns)** – Designates a bridge in Cambria County as the Martin J. Kupchella Memorial Bridge.

Please contact Kyle Wagonseller (717-982-1114) or Josiah Shelly (717-787-8592) with any questions. If you are unable to attend this meeting, please submit a Vote by Designation Form or Official Leave Request Form as applicable to your corresponding Committee Chair prior to the meeting.

EN/KW



## **House Transportation Committee**

### **Meeting Agenda**

Thursday, June 25, 2026, at CALL OF THE CHAIR  
Room 515 Irvis Office Building

Call to Order

Roll call

- **SB 1377 (J. Ward)** – Allows the PA Turnpike Commission to use Design Build Best Value procurement for the construction and design of roads and bridges with restrictions.
- **HB 2227 (Burns)** – Designates a bridge in Cambria County as the Martin J. Kupchella Memorial Bridge.

Any other business

Adjournment

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

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<b>Bill No:</b>	SB1377 PN1798	<b>Prepared By:</b>	Kyle Wagonseller (717) 772-1786,6518
<b>Committee:</b>	Transportation	<b>Executive Director:</b>	Kyle Wagonseller
<b>Sponsor:</b>	Ward, Judy		
<b>Date:</b>	6/23/2026		

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### **A. Brief Concept**

Allows the PA Turnpike Commission to use Design Build Best Value procurement for the construction and design of roads and bridges with restrictions.

### **C. Analysis of the Bill**

This bill amends Title 74 (Transportation) to create Chapter 98 authorizing the PA Turnpike Commission (Commission) to use Design Build Best Value procurement.

#### **Definitions:**

The following terms are defined:

"Alternative technical concept" or "ATC" is a proposed variance from the contractual requirements or request for proposal that is equal to or better than the requirements in the request for proposal document.

"Design build best value" is the source selection method other than competitive sealed proposals which may be used by the Commission acting as the purchasing agency, as an alternative to competitive sealed bidding and competitive sealed proposals.

"Offeror" is a person or entity that submits a proposal in response to a request for proposals or request for qualifications.

"Project" is the design and construction of a highway or bridge, or both, by the Commission.

"Request for proposals" is all documents, including those either attached or incorporated by reference, used for soliciting statements of qualifications.

"Responsible offeror" is an entity that has submitted a responsive statement of qualifications to a request for qualifications or responsive proposal to a request for proposal that possess the capability to fully perform the contract requirements in all respects and the integrity and reliability to assure good faith performance as determined by the Commission.

"Responsive proposal" is a proposal which conforms in all material respects to the requirements and criteria in the request for proposals.

"Shortlisted offeror" is an offeror that may qualify for a stipend because of the offeror's score, ranking or rating after submittal of the statement of qualifications.

"Statement of qualifications" is an offeror's response to the Commission, after the Commission issues a request for qualification.

#### **Design Build Best Value (DBBV) Process**

The Commission may use the DBBV source selection method for projects. DBBV can only be used when the Commission determines that a project would benefit from DBBV due to one or more of the following factors:

1. Project complexity;

2. Potential for innovation;
3. Unique equipment or specialized systems;
4. Project risks;
5. Project schedule;
6. Other project considerations; and
7. Estimated project value.

The Commission may advertise no more than ten one-step DBBV procurements per calendar year, and no more than ten two-step DBBV procurements per calendar year. The notice of determination must be posted by the Commission for up to 30 days, as determined by the Commission, prior to the date the procurement documents are posted on the Commission's public website or the Commonwealth's public website.

After the determination has been issued, the Commission must solicit proposals through a request for proposals. The Commission may conduct a one-step or two-step request for proposals as follows:

- **When conducting a one-step**, the Commission must seek a technical and price proposal. The Commission must issue a formal request for proposals publicly, which shall include separate proposals for a technical solution, to be known as the technical proposal, and the proposed price, to be known as the price proposal. After receipt of all technical proposals, the evaluation committee must evaluate each responsive proposal based on the criteria stated. The technical and price proposals must be evaluated and scored or rated separately. A price proposal may not be opened until all technical proposals are scored or rated. In scoring or rating a technical proposal, the evaluation committee must consider the importance of the evaluation factors fixed prior to the opening of the technical and price proposals. Failure of an offeror to meet the requirements of a request for proposal must result in the proposal being deemed nonresponsive.
- **When conducting a two-step**, the Commission must seek a statement of qualifications as step one and a technical and price proposal as step two. A statement of qualifications received by the Commission from a responsible offeror must be scored or rated by an evaluation committee based on the criteria stated. After the statements of qualifications are scored or rated, the evaluation committee must develop a short list of the number of offerors, which may identify the responsible offerors eligible to receive a stipend. The Commission must publicly post a list and rank of all responsible offerors on the Commission's public website. A responsible offeror that submitted a statement of qualifications, but was not shortlisted by the Commission, is ineligible to receive a stipend after the request for proposals process, but may still submit proposals in response to the request proposals step two of the procurement. Following the creation of a shortlist, the Commission must issue a formal request for proposals to all responsible offerors who submitted a responsive statement of qualifications, which must seek separate proposals for a technical solution, known as the technical proposal, and the proposed price, to be known as the price proposal. After receipt of all technical proposals, the evaluation committee must evaluate each submission based on the criteria stated. The technical and price proposals must be evaluated and scored separately. A price proposal may not be opened until all technical proposals are scored or rated. In scoring or rating a technical proposal and price proposal, the evaluation committee must consider the relative importance of the evaluation factors fixed prior to the opening of the technical and price proposals. If the statement of qualifications rating or score will be included in the final rating or score for the DBBV two-step procurement, the request for proposal must indicate that fact.

The Commission must include a schedule in a request for proposal that identifies the anticipated dates for the procurement, including an anticipated final selection of a best value offeror. Public notice of the one-step or two-step requests for proposals must be given in the same manner as required for competitive sealed bidding.

Offerors must submit their statements of qualifications and proposals to ensure that they are received prior to the times and dates established in the format required. Statements of

qualifications and proposals must be opened so as to avoid disclosure of their contents to competing offerors.

The Commission must schedule a preproposal conference after issuing the request for qualifications in a two-step procurement or the request for proposals in a one-step procurement, which may be held virtually. The agency must indicate the date, time and location for a preproposal conference.

The Commission may determine that a technical proposal is due on a date prior to the due date for a price proposal. All due dates must be clearly stated by the Commission in the request for proposals.

If the Commission seeks submission of a technical proposal prior to submission of the price proposal, a nonvoting member from the Commission may seek written clarification from an offeror between the technical proposal due date and price proposal due date, which includes asking questions or seeking clarification regarding a technical proposal. After the technical and price proposal due dates, the Commission may seek clarification with responsible offerors. Responsible offerors must be accorded fair and equal treatment with respect to any opportunity to provide clarification. In conducting a meeting for the purpose of clarification, an agency may not disclose information derived from proposals submitted by competing offerors.

The responsible offeror whose proposal is determined in writing to be the most advantageous to the agency must be selected for contract negotiations necessary to finalize a contract or to clarify any remaining issues regarding scope, schedule or any other information provided by the selected best value offeror without impacting material price and evaluation factors.

The request for proposal must state the validity period for the proposal, unless extended by the parties' mutual consent of the Commission and offerors.

#### **Alternative Technical Concepts:**

An alternative technical concept (ATC) proposed by an offeror, if any, must be submitted by the offeror to the Commission on or before the due date for ATC submission established by the request for proposal. The Commission must determine at its sole discretion whether an ATC is acceptable or approved. The Commission may communicate individually with an offeror regarding its proposed or submitted ATC. Approval of an ATC will constitute a change in the specific requirements of the contractual requirements or request for proposal associated with the approved ATC for that specific offeror. Approval of an ATC in no way implies that the ATC or the proposal will receive a favorable review from the evaluation committee.

An ATC must be confidential unless or until:

- i. the ATC is deemed to take advantage of an error or omission or reveals an area or discrepancy where a clarification may be warranted in the request for proposal or contract documents, which may be subsequently amended by the purchasing agency in its sole discretion;
- ii. cancellation of the procurement without selection of an offeror and upon an executed agreement for payment to an offeror;
- iii. the effective date of the contract as a result of the procurement; or
- iv. another date as may be prescribed under applicable law, at which time all confidentiality rights, if any, must be of no further force and effect except as otherwise allowed under the applicable law.

An unsuccessful offeror's ATC is not a public record subject to inspection and duplication under the Right-to-Know Law, unless the Commission enters into an agreement with an unsuccessful offeror for payment of the ATC. The Commission may use all or a portion of a submitted proposal and ATC, including the technologies, techniques, methods, processes and information contained in the proposal or ATC, with an agreement for payment of the ATC. Under no circumstances may the Commission be responsible for or liable to an offeror or third party as a result of disclosing an offeror's ATC materials.

The Commission may reasonably compensate unsuccessful responsible offerors for an ATC who are not receiving a stipend.

Upon an executed agreement for payment to an unsuccessful offeror, the Commission may utilize an unsuccessful offeror's ATC. If the agency chooses to incorporate the ATC into the executed contract as a result of the subject procurement, the agency and contractor must execute a change order.

### **Stipends**

A stipend must be limited to two-step procurement. The determination to offer a stipend and its amount shall be determined by the Commission on a project-by-project basis and shall be stated in the request for qualifications or request for proposals.

In a two-step procurement, the Commission may compensate unsuccessful responsible shortlisted responsible offerors for a portion of the costs associated with the preparation of a responsive proposal in response to a request for proposals and for payment of an ATC. If a stipend is provided to unsuccessful shortlisted offerors, the Commission may only provide payment if the unsuccessful shortlisted offeror's technical and price proposals are responsive and the offeror is a responsible offeror.

### **Evaluation Committee:**

An evaluation committee under this chapter shall consist of at least five employees as determined by the Commission. An individual who has been employed by an offeror within the preceding five years may not participate in the evaluation of any proposals submitted by that offeror. Nothing shall be construed to prohibit an employee of PennDOT from participating on an evaluation committee for the PA Turnpike Commission.

### **Applicability of Other Laws:**

Laws related to the development, construction, operation or financing of a project in effect on the date the agreement is fully executed shall apply to the agreement between the Commission and the contractor. The provisions include the Separations Act (Act 104 of 1913) and the PA Prevailing Wage Act (Act 422 of 1961).

Only the following provisions of the Procurement Code (Title 62 Pa.C.S.) shall apply to this chapter:

1. Section 102 (relating to application of part).
2. Section 107 (relating to reciprocal limitations).
3. Section 301 (relating to procurement responsibility).
4. Section 521 (relating to cancellation of invitations for bids or requests for proposals).
5. Section 531 (relating to debarment or suspension).
6. Section 541 (relating to approval of accounting system).
7. Section 542 (relating to multiterm contracts).
8. Section 551 (relating to right to inspect plant).
9. Section 552 (relating to right to audit records).
10. Section 562 (relating to anticompetitive practices).
11. Section 563 (relating to retention of procurement records).
12. Section 902 (relating to bid or proposal security).
13. Section 903 (relating to contract performance security and payment bonds).

14. Section 904 (relating to copies of bonds).
15. Chapter 17 (relating to legal and contractual remedies).
16. Chapter 23 (relating to ethics in public contracting).
17. Chapter 35 (relating to Iran-free procurement).
18. Chapter 36 (relating to prohibited contracts).
19. Section 3701 (relating to contract provisions prohibiting discrimination).
20. Section 3921 (relating to retainage).
21. Section 3922 (relating to payment of retainage to subcontractors).
22. Section 3931 (relating to performance by contractor or subcontractor).
23. Section 3932 (relating to government agency's progress payment obligations).
24. Section 3933 (relating to contractors' and subcontractors' payment obligations).
25. Section 3934 (relating to withholding of payment for good faith claims).
26. Section 3935 (relating to penalty and attorney fees).
27. Section 3936 (relating to contracts involving Federal aid).
28. Section 3937 (relating to certain provisions unenforceable).
29. Section 3938 (relating to applicability).
30. Section 3939 (relating to claims by innocent parties).
31. Section 3941 (relating to substantial/final payment under contract).
32. Section 3942 (relating to arbitration).
33. Section 4506 (relating to liability for increased costs).
34. Section 4507 (relating to noncollusion affidavits).

**Limitations on Powers and Duties and Existing Contracts:**

The powers and duties of the Commission under this chapter may not be exercised beginning four years after the effective date of this section. All contracts procured by use of this chapter, which are fully executed prior to eight years after the effective date of this section, shall remain in full force and effect, unless terminated in accordance with the terms of the contract.

**Project Reporting:**

The Commission must include project information related to Design Build Best Value on their public website. The Commission must prepare a report on Design Build Best Value which must include, but is not limited to, the description of any project approved, including the conditions for use, cost benefit analysis of pursuing the project with Design Build Best Value instead of normal procurement methods, recommendations to improve the act and descriptions of how the Commission is managing Design Build Best Value, including any policy guidance. The Commission must complete the report following completion of the procurement using Design Build Best Value and provide a copy to the Chairs of the House and Senate Transportation Committee.

**Effective Date:**

Immediately.

**G. Relevant Existing Laws**

**Title 62 (Procurement)** of the PA Consolidated Statutes provides for procurement by Commonwealth agencies.

**Section 512 of Title 62** (related to competitive sealed bidding) states that contracts must be awarded by competitive sealed bidding. An invitation for bids must be issued and must include a procurement description and all contractual terms, whenever practical, and conditions applicable to the procurement. Adequate public notice of the invitation for bids must be given a reasonable time prior to the date set for the opening of bids. The purchasing agency must establish written policies and may promulgate regulations regarding methods of public notice.

Bids must be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and any other relevant information as may be specified by regulation, together with the name of each bidder, must be recorded. The record must be opened to public inspection. Bids must be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and must be considered in evaluation for award must be objectively measurable, such as discounts, transportation costs and total or life cycle costs. The contract must be awarded within 60 days of the bid opening to the lowest responsible bidder or all bids must be rejected. Extensions of the date for the award may be made by mutual written consent of the contracting officer and the lowest responsible bidder.

Currently, all contract construction work performed for PennDOT and the PA Turnpike Commission must be contracted solely by low bid procurement method. This is established as the result of the 2011 Commonwealth Court decision in *Brayman v Commonwealth of PA*.

#### **E. Prior Session (Previous Bill Numbers & House/Senate Votes)**

HB1833 (Neilson/Struzzi) was reported as amended by the House Transportation Committee (25-0) on 11/14/23. It passed the House (189-14) on 12/12/23. It was reported as amended by the Senate Transportation Committee (13-1) on 10/9/24. After receiving second consideration in the Senate, it was recommitted to the Senate Transportation Committee on 10/21/24. There was no further action.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1377 Session of  
2026

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INTRODUCED BY J. WARD, JUNE 9, 2026

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REFERRED TO TRANSPORTATION, JUNE 9, 2026

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AN ACT

1 Amending Title 74 (Transportation) of the Pennsylvania  
2 Consolidated Statutes, in transportation infrastructure,  
3 providing for design build best value.

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

6 Section 1. Title 74 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 98

9 DESIGN BUILD BEST VALUE

10 Sec.

11 9801. Scope of chapter.

12 9802. Definitions.

13 9803. Design build best value process.

14 9804. Applicability of other laws.

15 9805. Limitation on powers and duties and existing contracts.

16 9806. Project reporting.

17 § 9801. Scope of chapter.

18 This chapter relates to design build best value as an  
19 alternative procurement process for highway and bridge design

1 and construction projects for the Pennsylvania Turnpike  
2 Commission.

3 § 9802. Definitions.

4 The following words and phrases when used in this chapter  
5 shall have the meanings given to them in this section unless the  
6 context clearly indicates otherwise:

7 "Alternative technical concept" or "ATC." A proposed  
8 variance from the contractual requirements or request for  
9 proposal that is equal to or better than the requirements in the  
10 request for proposal document.

11 "Commission." The Pennsylvania Turnpike Commission.

12 "Commissioners." The commissioners of the Pennsylvania  
13 Turnpike Commission.

14 "Design build best value." The source selection method other  
15 than competitive sealed proposals in 62 Pa.C.S. § 513 (relating  
16 to competitive sealed proposals), as described in section 9803  
17 (relating to design build best value process), which may be used  
18 by the commission acting as the purchasing agency, as an  
19 alternative to competitive sealed bidding and competitive sealed  
20 proposals.

21 "Offeror." An entity that submits a proposal in response to  
22 a request for proposals or request for qualifications.

23 "Project." The design and construction of a highway or  
24 bridge, or both, by the commission.

25 "Request for proposals." All documents, including those  
26 either attached or incorporated by reference, used for  
27 soliciting proposals.

28 "Request for qualifications." All documents, including those  
29 either attached or incorporated by reference, used for  
30 soliciting statements of qualifications.

1 "Responsible offeror." An entity that has submitted a  
2 responsive statement of qualifications to a request for  
3 qualifications or responsive proposal to a request for proposals  
4 and that possesses the capability to fully perform the contract  
5 requirements in all respects and the integrity and reliability  
6 to assure good faith performance as determined by the  
7 commission.

8 "Responsive proposal." A proposal which conforms in all  
9 material respects to the requirements and criteria in the  
10 request for proposals.

11 "Shortlisted offeror." An offeror that may qualify for a  
12 stipend because of the offeror's score, ranking or rating after  
13 submittal of the statement of qualifications.

14 "Statement of qualifications." An offeror's response to the  
15 commission, after the commission issues a request for  
16 qualifications.

17 § 9803. Design build best value process.

18 (a) Value score.--The commission may use the design build  
19 best value source selection method for projects in accordance  
20 with this section.

21 (b) Conditions for use.--Design build best value may be used  
22 when the commission determines that a project would benefit from  
23 the design build best value method of procurement due to one or  
24 more of the following factors:

25 (1) project complexity;

26 (2) potential for innovation;

27 (3) unique equipment or specialized systems;

28 (4) project risks;

29 (5) project schedule;

30 (6) other project considerations; and

1           (7) estimated project value.

2           (c) Projects procured.--The commission may advertise no more  
3 than 10 one-step design build best value procurements per  
4 calendar year and no more than 10 two-step design build best  
5 value procurements per calendar year.

6           (d) Public notice of determination for use of design build  
7 best value.--

8           (1) Except as provided under paragraph (2), the notice  
9 of determination under subsection (b) shall be posted by the  
10 commission for a period of 30 days prior to the date the  
11 procurement documents are posted on the commission's publicly  
12 accessible Internet website.

13           (2) The commission may elect a period of less than 30  
14 days.

15           (e) Request for proposals.--

16           (1) After the determination under subsection (b) has  
17 been issued, the commission shall solicit proposals through a  
18 request for proposals.

19           (2) In accordance with subsection (c), the commission  
20 may conduct a one-step or two-step request for proposals,  
21 subject to the following:

22           (i) If the commission conducts a one-step request  
23 for proposals, the commission shall seek a technical and  
24 price proposal in accordance with subsection (i).

25           (ii) If the commission conducts a two-step request  
26 for proposals, the commission shall seek a statement of  
27 qualifications as step one in accordance with subsection  
28 (j) and a technical and price proposal as step two in  
29 accordance with subsection (k).

30           (3) The commission shall include a schedule in a request

1 for proposal under this chapter that identifies the  
2 anticipated dates for the procurement, including an  
3 anticipated final selection of a best value offeror.

4 (f) Public notice.--Public notice of the one-step or two-  
5 step request for proposals shall be given in the same manner as  
6 provided in 62 Pa.C.S. § 512(c) (relating to competitive sealed  
7 bidding).

8 (g) Submission and receipt of statements of qualifications  
9 and proposals.--Offerors shall submit their statements of  
10 qualifications and proposals to ensure that their statements of  
11 qualifications and proposals are received prior to the times and  
12 dates established for the submission of statements for  
13 qualifications and proposals. Statements of qualifications and  
14 proposals shall be submitted in the format required by the  
15 request for qualifications and the request for proposals.  
16 Statements of qualifications and proposals shall be opened so as  
17 to avoid disclosure of their contents to competing offerors.

18 (h) Preproposal conference.--The commission shall schedule a  
19 preproposal conference after issuing the request for  
20 qualifications in a two-step procurement or the request for  
21 proposals in a one-step procurement, which conference may be  
22 held virtually. The commission shall indicate the date, time and  
23 location for a preproposal conference within the request for  
24 qualifications in a two-step procurement or the request for  
25 proposals in a one-step procurement.

26 (i) Request for technical and price proposals in a one-step  
27 procurement.--

28 (1) The commission shall issue a formal request for  
29 proposals publicly, which shall include separate proposals  
30 for a technical solution, to be known as the technical

1 proposal, and the proposed price, to be known as the price  
2 proposal.

3 (2) After receipt of all technical proposals, the  
4 evaluation committee under subsection (t) shall evaluate each  
5 responsive proposal based on the criteria stated in the  
6 request for proposals. The technical and price proposals  
7 shall be evaluated and either scored or rated separately, as  
8 applicable. Except for a responsiveness determination made by  
9 a nonvoting member of the evaluation committee, a price  
10 proposal may not be opened until all technical proposals are  
11 scored or rated.

12 (3) In scoring or rating a technical proposal and price  
13 proposal, the evaluation committee shall consider the  
14 relative importance of the evaluation factors fixed prior to  
15 the opening of the technical and price proposals, which shall  
16 be stated in the request for proposals.

17 (4) Failure of an offeror to meet the requirements of a  
18 request for proposal shall result in the proposal being  
19 deemed nonresponsive.

20 (j) Statement of qualifications and short-list process in a  
21 two-step procurement.--

22 (1) A statement of qualifications received by the  
23 commission from a responsible offeror shall be scored or  
24 rated by an evaluation committee based on the criteria stated  
25 in the request for qualifications.

26 (2) After the statements of qualifications are scored or  
27 rated under paragraph (1), the evaluation committee shall  
28 develop a short list of the number of offerors established in  
29 the request for qualifications, which may identify the  
30 responsible offerors eligible to receive a stipend under

1 subsection (o) (3).

2 (3) The commission shall post a list and rank of all  
3 responsible offerors on the commission's publicly accessible  
4 Internet website.

5 (4) A responsible offeror that submitted a statement of  
6 qualifications under the request for qualifications process,  
7 but was not a shortlisted offeror by the commission, is  
8 ineligible to receive a stipend after the request for  
9 proposals process but may still submit proposals in response  
10 to the request for proposals in step two of the procurement  
11 under subsection (k).

12 (k) Request for technical and price proposals in a two-step  
13 procurement.--

14 (1) Following the creation of a short list and to the  
15 extent that the commission is satisfied with the number of  
16 responsible offerors, the commission shall issue a formal  
17 request for proposals to all responsible offerors who  
18 submitted a responsive statement of qualifications, which  
19 shall seek separate proposals for a technical solution, to be  
20 known as the technical proposal, and the proposed price, to  
21 be known as the price proposal.

22 (2) After receipt of all technical proposals, the  
23 evaluation committee shall evaluate each submission based on  
24 the criteria stated in the request for proposals. The  
25 technical and price proposals shall be evaluated and scored  
26 or rated separately. Except for a responsiveness  
27 determination made by a nonvoting member of the evaluation  
28 committee, a price proposal may not be opened until all  
29 technical proposals are scored or rated.

30 (3) In scoring or rating a technical proposal and price

1 proposal, the evaluation committee shall consider the  
2 relative importance of the evaluation factors fixed prior to  
3 the opening of the technical and price proposals, which shall  
4 be stated in the request for proposals.

5 (4) If the statement of qualifications rating or score  
6 will be included in the final rating or score for the design  
7 build best value two-step procurement, the request for  
8 proposal shall indicate that fact.

9 (l) Alternative technical concepts.--

10 (1) An alternative technical concept, proposed by an  
11 offeror, if any, shall be submitted by the offeror to the  
12 commission on or before the due date for ATC submission  
13 established by the request for proposal.

14 (2) The commission shall determine at its sole  
15 discretion whether an ATC is acceptable or approved.

16 (3) The commission may communicate individually with an  
17 offeror regarding its proposed or submitted ATC.

18 (4) Approval of an ATC will constitute a change in the  
19 specific requirements of the contractual requirements or  
20 request for proposal associated with the approved ATC for  
21 that specific offeror. An offeror shall ensure that its  
22 proposal complies with the request for proposal requirements  
23 for the specific offeror, as modified by approval of the ATC.

24 (5) Approval of an ATC in no way implies that the ATC or  
25 the proposal will receive a favorable review from the  
26 evaluation committee.

27 (m) Records of requests for alternative technical concepts  
28 and use of intellectual property.--

29 (1) Except as provided under paragraph (2), an ATC shall  
30 be confidential unless or until:

1           (i) the ATC is deemed to take advantage of an error  
2           or omission or reveals an area or discrepancy where a  
3           clarification may be warranted in the request for  
4           proposal or contract documents, which may be subsequently  
5           amended by the commission in its sole discretion;

6           (ii) cancellation of the procurement without  
7           selection of an offeror and upon an executed agreement  
8           for payment to an offeror in accordance with subsection  
9           (n) or (o);

10           (iii) the effective date of the contract as a result  
11           of the procurement or upon an executed agreement for  
12           payment to an unsuccessful offeror in accordance with  
13           subsection (n) or (o); or

14           (iv) another date as may be prescribed under  
15           applicable law, at which time all confidentiality rights,  
16           if any, shall be of no further force and effect except as  
17           otherwise allowed under the applicable law.

18           (2) An unsuccessful offeror's ATC is not a public record  
19           subject to inspection and duplication under the act of  
20           February 14, 2008 (P.L.6, No.3), known as the Right-to-Know  
21           Law, unless the commission enters into an agreement with an  
22           unsuccessful offeror for payment of the ATC.

23           (3) Except to the extent not transferable by law, the  
24           commission may use all or a portion of a submitted proposal  
25           and ATC, including the technologies, techniques, methods,  
26           processes and information contained in the proposal or ATC,  
27           with an agreement for payment of the ATC. Notice of  
28           nontransferability by law shall be given to the commission in  
29           response to the request for proposals or submittal of the  
30           ATC.

1           (4) Under no circumstances may the commission be  
2 responsible for or liable to an offeror or third party as a  
3 result of disclosing an offeror's ATC materials.

4           (n) Payment for alternative technical concept.--The  
5 commission may reasonably compensate any offeror for an ATC.

6           (o) Stipends.--

7           (1) A stipend shall be limited to a two-step  
8 procurement. The determination to offer a stipend and its  
9 amount under this subsection shall be determined by the  
10 commission on a project-by-project basis. The determination  
11 to offer a stipend in a two-step procurement and its terms  
12 shall be stated in the request for qualifications or request  
13 for proposals.

14           (2) In a two-step procurement, the commission may  
15 compensate unsuccessful responsible shortlisted offerors for  
16 a portion of the costs associated with the preparation of a  
17 responsive proposal in response to a request for proposals  
18 and for payment of an ATC. If a stipend is provided to  
19 unsuccessful shortlisted offerors, the commission may only  
20 provide payment if the unsuccessful shortlisted offeror's  
21 technical and price proposals are responsive and the offeror  
22 is a responsible offeror.

23           (3) The commission may not provide or award a stipend to  
24 an unsuccessful responsible shortlisted offeror more than one  
25 time. This paragraph shall not apply to an ATC.

26           (p) Due dates for technical proposal and price proposal.--

27           (1) The commission may determine that a technical  
28 proposal is due on a date prior to the due date for a price  
29 proposal. All due dates shall be clearly stated by the  
30 commission in the request for proposals.

1           (2) If the commission seeks submission of a technical  
2 proposal prior to submission of the price proposal, a  
3 nonvoting member from the commission may seek written  
4 clarification from an offeror between the technical proposal  
5 due date and price proposal due date, which includes asking  
6 questions or seeking clarification regarding a technical  
7 proposal.

8           (3) After the technical proposal and price proposal due  
9 dates, the commission may seek clarification with responsible  
10 offerors. Responsible offerors shall be accorded fair and  
11 equal treatment with respect to any opportunity to provide  
12 clarification. In conducting a meeting for the purpose of  
13 clarification, the commission may not disclose information  
14 derived from proposals submitted by competing offerors.

15       (g) Selection for negotiation.--The responsible offeror  
16 whose proposal is determined in writing to be the most  
17 advantageous to the commission shall be selected for contract  
18 negotiations necessary to finalize a contract or to clarify any  
19 remaining issue regarding scope, schedule or any other  
20 information provided by the selected best value offeror without  
21 impacting material price and evaluation factors.

22       (r) Incorporation of an unsuccessful offeror's ATC.--Upon an  
23 executed agreement for payment to an unsuccessful offeror in  
24 accordance with subsection (n) or (o), the commission may  
25 utilize an unsuccessful offeror's ATC. If the commission chooses  
26 to incorporate the ATC into the contract executed as a result of  
27 the subject procurement, the commission and contractor shall  
28 execute a change order.

29       (s) Proposal validity period.--The request for proposal  
30 shall state the validity period for the proposal, unless

1 extended by the mutual consent of the commission and offerors.

2 (t) Evaluation committee.--

3 (1) Notwithstanding any other provisions of this  
4 chapter, an evaluation committee under this chapter shall  
5 consist of at least five employees as determined by the  
6 commission. An individual who has been employed by an offeror  
7 within the preceding five years may not participate in the  
8 evaluation of any proposals submitted by that offeror.

9 (2) Nothing in this subsection shall be construed to  
10 prohibit an employee of the Department of Transportation to  
11 participate on an evaluation committee for the commission.

12 § 9804. Applicability of other laws.

13 (a) Construction.--Except as provided under subsection (b),  
14 laws related to the design, construction, operation or financing  
15 of a project in effect on the date the agreement is fully  
16 executed shall apply to the agreement between the commission and  
17 contractor. The provisions shall also include:

18 (1) The act of May 1, 1913 (P.L.155, No.104), referred  
19 to as the Separations Act.

20 (2) The act of August 15, 1961 (P.L.987, No.442), known  
21 as the Pennsylvania Prevailing Wage Act.

22 (b) Application.--Only the following provisions of 62  
23 Pa.C.S. (relating to procurement) shall apply to this chapter:

24 (1) Section 102 (relating to application of part).

25 (2) Section 107 (relating to reciprocal limitations).

26 (3) Section 301 (relating to procurement  
27 responsibility).

28 (4) Section 521 (relating to cancellation of invitations  
29 for bids or requests for proposals).

30 (5) Section 531 (relating to debarment or suspension).

1           (6) Section 541 (relating to approval of accounting  
2 system).

3           (7) Section 542 (relating to multiterm contracts).

4           (8) Section 551 (relating to right to inspect plant).

5           (9) Section 552 (relating to right to audit records).

6           (10) Section 562 (relating to anticompetitive  
7 practices).

8           (11) Section 563 (relating to retention of procurement  
9 records).

10          (12) Section 902 (relating to bid or proposal security).

11          (13) Section 903 (relating to contract performance  
12 security and payment bonds).

13          (14) Section 904 (relating to copies of bonds).

14          (15) Chapter 17 (relating to legal and contractual  
15 remedies).

16          (16) Chapter 23 (relating to ethics in public  
17 contracting).

18          (17) Chapter 35 (relating to Iran-free procurement).

19          (18) Chapter 36 (relating to prohibited contracts).

20          (19) Section 3701 (relating to contract provisions  
21 prohibiting discrimination).

22          (20) Section 3921 (relating to retainage).

23          (21) Section 3922 (relating to payment of retainage to  
24 subcontractors).

25          (22) Section 3931 (relating to performance by contractor  
26 or subcontractor).

27          (23) Section 3932 (relating to government agency's  
28 progress payment obligations).

29          (24) Section 3933 (relating to contractors' and  
30 subcontractors' payment obligations).

1           (25) Section 3934 (relating to withholding of payment  
2 for good faith claims).

3           (26) Section 3935 (relating to penalty and attorney  
4 fees).

5           (27) Section 3936 (relating to contracts involving  
6 Federal aid).

7           (28) Section 3937 (relating to certain provisions  
8 unenforceable).

9           (29) Section 3938 (relating to applicability).

10           (30) Section 3939 (relating to claims by innocent  
11 parties).

12           (31) Section 3941 (relating to substantial/final payment  
13 under contract).

14           (32) Section 3942 (relating to arbitration).

15           (33) Section 4506 (relating to liability for increased  
16 costs).

17           (34) Section 4507 (relating to noncollusion affidavits).

18 § 9805. Limitation on powers and duties and existing contracts.

19       (a) Restriction.--The powers and duties of the commission  
20 under this chapter may not be exercised beginning four years  
21 after the effective date of this section.

22       (b) Exception.--Notwithstanding subsection (a), all  
23 contracts procured by use of this chapter, which are fully  
24 executed prior to eight years after the effective date of this  
25 section, shall remain in full force and effect, unless  
26 terminated in accordance with the terms of the contract.

27 § 9806. Project reporting.

28       (a) Project information.--The commission shall include  
29 project information related to design build best value on the  
30 commission's publicly accessible Internet website.

1       (b) Report.--The commission shall prepare a report on design  
2 build best value. The report shall include, and is not limited  
3 to, the description of any project approved, including the  
4 conditions for use under section 9803 (relating to design build  
5 best value process), cost benefit analysis of pursuing the  
6 project with design build best value instead of normal  
7 procurement methods, recommendations to improve the act and  
8 descriptions of how the commission is managing design build best  
9 value, including any policy guidance. The commission shall  
10 complete the report following completion of the procurement  
11 using design build best value and provide a copy to the  
12 chairperson and minority chairperson of the Transportation  
13 Committee of the Senate and the chairperson and minority  
14 chairperson of the Transportation Committee of the House of  
15 Representatives.

16       Section 2. This act shall take effect immediately.

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

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<b>Bill No:</b>	HB2227 PN2918	<b>Prepared By:</b>	Jessica Sander (717) 772-1786
<b>Committee:</b>	Transportation	<b>Executive Director:</b>	Kyle Wagonseller
<b>Sponsor:</b>	Burns, Frank		
<b>Date:</b>	6/24/2026		

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### **A. Brief Concept**

Designates a bridge in Cambria County as the Martin J. Kupchella Memorial Bridge.

### **C. Analysis of the Bill**

This bill designates a bridge, identified as Bridge Key 68687, carrying Pennsylvania Route 271 over a tributary of Blacklick Creek in Blacklick Township, Cambria County, as the Martin J. Kupchella Memorial Bridge.

Martin J. Kupchella was a WWII veteran who served in the United States Army and earned the Silver Star Medal, the Good Conduct Medal, the European African Middle Eastern Service Medal, and six Bronze Star Medals for his service. Upon returning home to Nanty Glo after the war, Mr. Kupchella became an active member of his community, serving in many organizations.

PennDOT must erect and maintain appropriate signs displaying the name of the bridge to traffic in both directions on the bridge.

#### **Effective Date:**

60 days.

### **G. Relevant Existing Laws**

The act of June 1, 1945 (P.L. 1242, No. 428), Section 204, known as the "State Highway Law," authorizes the Secretary of Transportation to designate by letter, or to name, or number, State highways or any portion thereof. However, the Department does not assign commemorative designations unless directed to do so by an act of the General Assembly.

### **E. Prior Session (Previous Bill Numbers & House/Senate Votes)**

N/A

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2227 Session of  
2026

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INTRODUCED BY BURNS, FREEMAN, MERSKI, STAATS, KENYATTA, BRENNAN,  
HILL-EVANS AND HADDOCK, FEBRUARY 18, 2026

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REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 19, 2026

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AN ACT

1 Designating a bridge, identified as Bridge Key 68687, carrying  
2 Pennsylvania Route 271 over a tributary of Blacklick Creek in  
3 Blacklick Township, Cambria County, as the Martin J.  
4 Kupchella Memorial Bridge.

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

7 Section 1. Martin J. Kupchella Memorial Bridge.

8 (a) Findings.--The General Assembly finds and declares as  
9 follows:

10 (1) Martin J. Kupchella was born April 14, 1920, in  
11 Nanty Glo, Cambria County.

12 (2) Mr. Kupchella was employed as a coal miner before  
13 becoming inducted into the United States Army during World  
14 War II.

15 (3) During his time with the Army, Mr. Kupchella saw  
16 action in Normandy, Northern France, Rhineland, Ardennes,  
17 Northern Apennines and Central Europe.

18 (4) On December 17, 1944, near Honengen, Belgium, Mr.  
19 Kupchella volunteered to act as leader on a towed anti-tank

1 gun while under enemy fire and, when his platoon leader was  
2 wounded, he ran into an open field to free a bogged-down  
3 vehicle so that he could get the platoon leader to safety.

4 (5) Mr. Kupchella's actions, courage, initiative and  
5 devotion to duty during that battle earned him the Silver  
6 Star Medal, which is the United States Armed Forces' third-  
7 highest military decoration for valor in combat.

8 (6) Mr. Kupchella was also awarded the Good Conduct  
9 Medal, the European African Middle Eastern Service Medal and  
10 six Bronze Star Medals for his service during World War II.

11 (7) Upon returning home to Nanty Glo after the war, Mr.  
12 Kupchella became active in his community as a member of VFW  
13 Post 3489, Holy Name Society, American Legion Post 619 and  
14 Coal Country Auto Club and as a member of the Knights of  
15 Columbus Council 522 in Ebensburg.

16 (8) Mr. Kupchella passed away January 5, 2000, at 79  
17 years of age.

18 (b) Designation.--The bridge, identified as Bridge Key  
19 68687, carrying Pennsylvania Route 271 over a tributary of  
20 Blacklick Creek in Blacklick Township, Cambria County, is  
21 designated as the Martin J. Kupchella Memorial Bridge.

22 (c) Signs.--The Department of Transportation shall erect and  
23 maintain appropriate signs displaying the name of the bridge to  
24 traffic in both directions on the bridge.

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



**COMMITTEE DESIGNATION FORM PURSUANT TO HOUSE RULE 66(a)**

HOUSE \_\_\_\_\_ DESIGNATION  
(Committee Name)

On the date of \_\_\_\_\_, I hereby designate the following individual to cast my vote on any question before the committee (**check one**):

\_\_\_\_ Representative \_\_\_\_\_, Majority Chair

\_\_\_\_ Representative \_\_\_\_\_, Minority Chair

**VOTING INSTRUCTIONS**

I hereby direct my vote be cast:

\_\_\_\_\_ in the same manner as the designated Chair.

\_\_\_\_\_ in the same manner as Representative \_\_\_\_\_ for as long as they remain present at the meeting. If my designee leaves the meeting, I do \_\_\_\_do not \_\_\_\_\_ direct that my vote be cast in the same manner as the designated Chair.

\_\_\_\_\_ on the following specified bills, amendments and resolutions:

_____	Y / N / Abstain	_____	Y / N / Abstain
_____	Y / N / Abstain	_____	Y / N / Abstain
_____	Y / N / Abstain	_____	Y / N / Abstain
_____	Y / N / Abstain	_____	Y / N / Abstain
_____	Y / N / Abstain	_____	Y / N / Abstain
_____	Y / N / Abstain	_____	Y / N / Abstain

\_\_\_\_\_  
Member's Name (Printed)

\_\_\_\_\_  
Member's Signature

\_\_\_\_\_  
Member's Contact Number(s) - **Required**

**HOUSE OF REPRESENTATIVES**  
COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE CHIEF CLERK

**OFFICIAL LEAVE REQUEST**

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I, \_\_\_\_\_, hereby request an official leave  
**NAME**  
of absence from the meeting/hearing of the \_\_\_\_\_  
**COMMITTEE**  
to be held on \_\_\_\_\_ at \_\_\_\_\_.  
**DATE** **TIME**

I will be absent for the following reason:

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\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**SIGNATURE**

**\*\* Submit this form to the Majority Committee Chairman prior to the Committee meeting.**