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**INDEPENDENT REGULATORY REVIEW COMMISSION  
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March 10, 2003

Honorable Donald T. Cunningham, Jr., Secretary  
Department of General Services  
515 North Office Building  
Harrisburg, PA 17120

Re: Regulation #8-3 (IRRC #2304)  
Department of General Services  
General Conditions of Contract

Dear Secretary Cunningham:

Enclosed are the Commission's Comments that include objections and recommendations for consideration when you prepare the final version of this regulation. These Comments are not a formal approval or disapproval; however, they specify the regulatory criteria which have not been met.

The Comments will soon be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce  
Executive Director  
wbg  
Enclosure

cc: Honorable Paul I. Clymer, Majority Chairman, House State Government Committee  
Honorable Babette Josephs, Democratic Chairman, House State Government Committee  
Honorable Charles D. Lemmond, Jr., Chairman, Senate State Government Committee  
Honorable Anthony H. Williams, Minority Chairman, Senate State Government Committee

# **Comments of the Independent Regulatory Review Commission**

**on**

## **Department of General Services Regulation No. 8-3**

### **General Conditions of Contract**

**March 10, 2003**

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The Department of General Services (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

#### **General. – Consistency with existing regulations.**

This proposed rulemaking repeals existing Chapter 63 of Title 4, relating to contract terms for Commonwealth construction projects. The Department should review the other chapters of Title 4 to delete outdated references to Chapter 63. For example, existing 4 Pa. Code § 68.61 references a document contained in Exhibit A of Chapter 63. Upon final promulgation of the proposed rulemaking, this reference will be obsolete.