

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2010 Session of  
2009

INTRODUCED BY BEAR, SAYLOR, MILLER, BENNINGHOFF, BOYD, CAUSER,  
CREIGHTON, CUTLER, DENLINGER, EVERETT, FLECK, GINGRICH,  
HICKERNELL, MARSICO, MOUL, QUINN, RAPP, REICHLEY, ROCK,  
ROHRER, ROSS, SWANGER, TALLMAN, TRUE AND WATSON,  
SEPTEMBER 29, 2009

REFERRED TO COMMITTEE ON LABOR RELATIONS, SEPTEMBER 29, 2009

AN ACT

1 Providing for open contracting by the Commonwealth and its  
2 political subdivisions and their agencies and authorities.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Open  
7 Contracting Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Public body." The Commonwealth or any of its political  
13 subdivisions, or an agency or authority of either.

14 "Public works." Construction, reconstruction, demolition,  
15 alteration or repair work, other than routine maintenance work,  
16 contracted for by a public body.

1 "Responsible bidder." A person, partnership or corporation  
2 that has the capability in all respects to fully perform the  
3 contract requirements and who has the integrity and reliability  
4 which will assure good faith performance.

5 Section 3. Prohibited practices.

6 Contract specifications issued by public bodies soliciting  
7 bids on public works projects shall not include any of the  
8 following:

9 (1) A requirement that a successful bidder or any of its  
10 subcontractors utilize workers:

11 (i) represented by a designated labor organization;

12 or

13 (ii) referred by a designated labor organization.

14 (2) A requirement that a successful bidder's existing  
15 work force or any of its subcontractors' work forces  
16 affiliate with or pay dues to a labor organization.

17 (3) A requirement that a successful bidder or any of its  
18 subcontractors recognize a labor organization as the  
19 exclusive representative of any of its employees on the  
20 public works project.

21 Section 4. Discrimination prohibited.

22 No public body shall consider or use as a criterion in its  
23 selection process the union or nonunion status of a bidder's  
24 work force.

25 Section 5. Enforcement.

26 (a) General rule.--A party who is aggrieved by an act  
27 committed by a public body in violation of section 3 or 4 may  
28 file an action in a court of competent jurisdiction to enjoin  
29 the act.

30 (b) Damages and attorney fees.--A court of competent

1 jurisdiction may award damages and reasonable attorney fees to  
2 an aggrieved party that is successful in an action filed under  
3 subsection (a).

4 Section 10. Effective date.

5 This act shall take effect in 60 days.