
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2715 Session of
2020

INTRODUCED BY BURNS, MILLARD, SCHLOSSBERG, D. MILLER, PASHINSKI,
ROZZI, DELLOSO, ZIMMERMAN, CIRESI, MALAGARI, DERMODY,
NEILSON, KORTZ, ORTITAY, BURGOS, O'NEAL, T. DAVIS AND DeLUCA,
JULY 30, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JULY 30, 2020

AN ACT

1 Amending the act of March 3, 1978 (P.L.6, No.3), entitled "An
2 act to promote the general welfare and stimulate the economy
3 of the Commonwealth by requiring that all public bodies,
4 including the Commonwealth, its political subdivisions, and
5 all authorities, include in all contracts for construction,
6 reconstruction, alteration, repair, improvement or
7 maintenance of improvements of a permanent or temporary
8 nature, a provision that if any steel products are to be used
9 in the performance of the contract only steel products
10 produced in the United States shall be used, and imposing
11 liability for violation of this act," further providing for
12 contracts for public works to use or supply steel products
13 and for restrictions on payments by public agencies under
14 certain circumstances.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Sections 4 and 5 of the act of March 3, 1978
18 (P.L.6, No.3), known as the Steel Products Procurement Act, are
19 amended to read:

20 Section 4. (a) Every public agency shall require that every
21 contract document for the construction, reconstruction,
22 alteration, repair, improvement or maintenance of public works
23 contain a provision that, if any steel products are to be used

1 or supplied in the performance of the contract, only steel
2 products as herein defined shall be used or supplied in the
3 performance of the contract or any subcontracts thereunder.

4 (a.1) Any person initiating a project involving
5 construction, reconstruction, alteration, repair, improvement or
6 maintenance for which the person has received or will receive
7 public funding or tax incentives from a public agency, shall use
8 steel products as herein defined if any steel products are to be
9 used or supplied in the completion of the project. This
10 subsection shall apply to any subcontracts thereunder.

11 (b) This section shall not apply in any case:

12 (1) where the head of the public agency, in writing,
13 determines that steel products as herein defined are not
14 produced in the United States in sufficient quantities to meet
15 the requirements of the contract; or

16 (2) to items on a list of exempt machinery and equipment
17 steel products, which have been identified by the Department of
18 General Services as not produced in the United States in
19 sufficient quantities in the previous calendar year, and
20 published on the department's publicly accessible Internet
21 website, which contractors, subcontractors, suppliers, bidders,
22 offerors and public agencies can rely upon in preparing bids and
23 contracts. The list of exempt machinery and equipment steel
24 products shall be updated annually on a date selected by the
25 Department of General Services. The Department of General
26 Services may not make changes to the list during the year
27 following publication. Prior to publication on the Internet
28 website, and in each subsequent year, the Department of General
29 Services shall publish the list of exempt machinery and
30 equipment steel products in the Pennsylvania Bulletin and

1 provide for a 30-day public comment period. The Department of
2 General Services shall, through a statement of policy, establish
3 a process for creating the list of exempt machinery and
4 equipment steel products and resolving disputes with respect to
5 items on the list raised during the public comment period prior
6 to the publication of the Internet website. The provisions of 2
7 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
8 Commonwealth agencies) shall not apply to this section.

9 Section 5. (a) No public agency shall authorize, provide
10 for or make any payments to any person under any contract
11 containing the provision required by section 4 unless, when
12 unidentified steel products are supplied under a contract, such
13 person has provided documentation including, but not limited to,
14 invoices, bills of lading, and mill certification that the steel
15 was melted and manufactured in the United States, which
16 establish that such person has fully complied with such
17 provision. If a steel product is identifiable from its face,
18 such person must submit certification which satisfies the public
19 agency that such person has fully complied with the provision
20 required by section 4. Any such payments made to any person by
21 any public agency which should not have been made as a result of
22 this section shall be recoverable directly from the contractor,
23 subcontractor, manufacturer or supplier who did not comply with
24 section 4 by either such public agency or the Attorney General
25 of Pennsylvania.

26 (a.1) No public agency shall authorize, provide for or make
27 any payments to any person of public funds, grants, tax credits
28 or other tax incentives from a public agency unless, when
29 unidentified steel products are supplied, such person has
30 provided documentation including, but not limited to, invoices,

1 bills of lading and mill certification that the steel was melted
2 and manufactured in the United States, which establishes that
3 such person has fully complied with such provision. If a steel
4 product is identifiable from its face, such person must submit
5 certification which satisfies the public agency that such person
6 has fully complied with the provision required under section 4.
7 Any such payments made to any person by any public agency which
8 should not have been made as a result of this section shall be
9 recoverable directly from the contractor, subcontractor,
10 manufacturer or supplier who did not comply with section 4 by
11 either such public agency or the Attorney General of
12 Pennsylvania.

13 (b) In addition to the withholding of payments, any person
14 who willfully violates any of the provisions of this act shall
15 be prohibited from submitting any bids to any public agency for
16 any contract for a period of five years from the date of the
17 determination that a violation has occurred. In the event the
18 person who violates the provisions of section 4(a) is a
19 subcontractor, manufacturer or supplier, such person shall be
20 prohibited from performing any work or supplying any materials
21 to a public agency for a period of five years from the date of
22 the determination that a violation has occurred.

23 (c) Title 2 of the Pennsylvania Consolidated Statutes
24 (relating to administrative law and procedure) applies to
25 decisions by public agencies that a person has violated section
26 4(a).

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