

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 454 Session of
2005

INTRODUCED BY PETRI, BARRAR, BASTIAN, BIANCUCCI, BLACKWELL,
BROWNE, BUNT, CALTAGIRONE, CAPPELLI, CORRIGAN, CURRY,
FABRIZIO, FAIRCHILD, FEESE, FREEMAN, GEORGE, GERGELY, GOOD,
GOODMAN, GRUCELA, HENNESSEY, HERSHEY, JAMES, W. KELLER,
LEACH, LEVDANSKY, McCALL, McGEEHAN, MILLARD, O'NEILL,
PETRARCA, RAYMOND, READSHAW, SHANER, STABACK, E. Z. TAYLOR,
THOMAS, TIGUE, WALKO, WATSON AND YUDICHAK, FEBRUARY 14, 2005

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 14, 2005

AN ACT

1 Amending Title 62 (Procurement) of the Pennsylvania Consolidated
2 Statutes, prohibiting Commonwealth agencies from awarding
3 contracts to bidders engaged in outsourcing of jobs or
4 functions.

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

7 Section 1. Title 62 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 109. Prohibiting contract awards to bidders that outsource.

10 (a) Contract provision required.--Each contract for services
11 entered into by a Commonwealth agency on or after the effective
12 date of this section shall include a provision specifying that
13 all services performed under the contract or performed under any
14 subcontract awarded under the contract shall be performed at a
15 physical location within the boundaries of the United States.

16 (b) Certification.--Each person submitting a bid or offer to

1 a Commonwealth agency for a contract for services shall certify,
2 under penalty of perjury, that the services performed under the
3 contract, including those services performed by subcontractors,
4 will be performed at a physical location within the boundaries
5 of the United States.

6 (c) Damages.--If, during the life of a contract for
7 services, a contractor or subcontractor performs any of the
8 contracted services at a physical location outside of the
9 boundaries of the United States, the contractor or subcontractor
10 shall pay damages to the applicable Commonwealth agency in an
11 amount equal to the amount paid for services performed outside
12 of the boundaries of the United States.

13 (d) Contract void.--A contract entered into or performed in
14 violation of this section is void unless its termination would
15 result in harm to the public health or welfare.

16 Section 2. This act shall take effect in 30 days.