

JUN 16 2011

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Senate of Pennsylvania

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TO: ALL SENATORS
FROM: Senator Patricia H. Vance **PHV**
DATE: June 15, 2011
SUBJECT: Memo #20 - Local Government Roofing Projects

In the near future, I plan to introduce legislation to amend the procurement code to add a section on local government roofing projects.

Investigations in various states have found design consultants presumed by school district and municipal officials to be independent were secretly working with manufacturers and suppliers of roofing materials to ensure certain products were the only ones to meet specifications. A New Jersey investigation of 115 separate projects found this scheme cost taxpayers an additional \$6-10 million. A Texas report in 2000 showed proprietary roofing projects cost at least an additional \$1.3 million annually statewide.

School districts in Pennsylvania have been using the Pennsylvania Education Joint Purchasing Council and there has been a suggestion that roofs purchased in this manner are proprietary. In my legislative district, two constituents filed suit against a school district for the purchase roofs through the council.

My legislation would require a county, municipality or school district to competitively bid all roofing projects exceeding \$10,000. If a brand name is specified in the bid, a brand-name equivalent must also be acceptable. All bid specifications must be prepared by a design professional. In addition, any consultant offering professional services related to a roofing project must disclose any financial interest with a roofing manufacturer or middleman. Cooperative agreements could not be used for roofing projects. Finally, if a roofing contract is awarded in violation of the legislation, a prospective bidder could file a complaint with the Attorney General's office.

If you are interested in co-sponsoring this legislation, please contact my office at 787-8524 or email Tracy Polovick at tpolovick@pasen.gov.