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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

MEMORANDUM

TO: MEMBERS OF THE HOUSE OF REPRESENTATIVES

FROM: Rep Jake Wheatley, Jr.

DATE: December 13, 2011

SUBJECT: **Co-Sponsorship: Contracts to Promote Participation Amending the 3rd Class City Code**

In the near future, I plan to introduce legislation that would amend the 3rd Class City Code.

Briefly, this legislation would add provisions requiring each 3rd class city, by ordinance or resolution, to develop policies or guidelines to ensure that all persons are accorded equal opportunity in contracting, subcontracting, and purchasing. This legislation would further require that contracts for construction, reconstruction, alteration, repair of any public building or public work contain provisions by which contractors agree to promote, increase, and sustain contracting and subcontracting opportunities for disadvantaged businesses.

The term "disadvantaged business" is defined in the legislation to include minority, women, veteran, and service-disabled veteran business enterprises. The Council of a 3rd class city could use the list of minority-owned, women-owned, and veteran-owned business enterprises as certified under the Department of General Services' disadvantaged business program to compete for and participate in the contracting process.

If you wish to join me as a sponsor of this legislation, please contact my Legislative Assistant, April Ashe, at aashe@pahouse.net or 783.3783.

AN ACT

1 Amending the act of June 23, 1931 (P.L.932, No.317), entitled
2 "An act relating to cities of the third class; and amending,
3 revising, and consolidating the law relating thereto,"
4 providing for contracts to promote participation.

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

7 Section 1. The act of June 23, 1931 (P.L.932, No.317), known
8 as The Third Class City Code, reenacted and amended June 28,
9 1951 (P.L.662, No.164), is amended by adding a section to read:

10 Section 1920. Contracts to Promote Participation.--(a) The
11 council of each city shall, by ordinance or resolution, develop
12 and implement binding policies or guidelines to ensure that all
13 persons are accorded equal opportunity in contracting and
14 subcontracting associated with the construction, reconstruction,
15 alteration or repair of any building or other public work; the
16 completion of any project or performance of any other work
17 whatsoever; and the purchasing of any materials, equipment or
18 any other supplies for the use of the city.

1 (b) Every contract for or on behalf of a city for the
2 construction, reconstruction, alteration or repair of any public
3 building or public work shall contain provisions by which the
4 contractor agrees to promote, increase and sustain contracting
5 and subcontracting opportunities for disadvantaged businesses.

6 (c) This section shall apply to:

7 (1) Any contract for or on behalf of a city made in
8 accordance with applicable provisions of this article which is
9 subject to competitive bidding.

10 (2) All city contractors, subcontractors, assignees,
11 lessees, agents, vendors and suppliers.

12 (3) Disadvantaged businesses.

13 (d) The council may use the lists of certified
14 minority-owned, women-owned and veteran-owned business
15 enterprises which have been certified under the Department of
16 General Services' disadvantaged business program to compete for
17 and participate in the city's contracting process. The
18 Department of General Services shall cooperate with and assist
19 the council in carrying out the requirements of this subsection.

20 (e) The following words and phrases when used in this
21 section shall have the meaning given to them in this subsection
22 unless the context clearly indicates otherwise:

23 "Disadvantaged business." A small business which is owned or
24 controlled by a majority of persons, not limited to members of
25 minority groups, who:

26 (1) have been deprived of the opportunity to develop and
27 maintain a competitive position in the economy because of social
28 disadvantages; or

29 (2) are veterans, including service-disabled veterans.

30 The term shall include a small business which is owned or

1 controlled by a majority of persons who are veterans or service-
2 disabled veterans.

3 "Service-disabled veteran." A veteran who possesses either
4 an adjudication letter from the Department of Veterans Affairs
5 establishing a service-connected disability rating or a
6 disability determination from the Department of Defense.

7 "Small business." The term shall have the meaning given to
8 it in 62 Pa.C.S. § 2102 (relating to definitions).

9 "Veteran." An individual who:

10 (1) served in the active United States military in any of
11 the four current branches and all previous branches, including a
12 reserve component or the National Guard;

13 (2) was released or discharged from active military service
14 under conditions other than dishonorable; and

15 (3) possesses a certificate of release or discharge from
16 active duty.

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