

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1068 Session of
1977

INTRODUCED BY O'PAKE, MANBECK, ROMANELLI, REIBMAN, COPPERSMITH,
GURZENDA, KELLEY, ZEMPRELLI, ROSS, EARLY, SCHAEFER, MCKINNEY,
DUFFIELD, SCANLON, SMITH, CIANFRANI, HILL, NOSZKA, MELLOW,
NOLAN, ORLANDO, WOOD, BELL, HOWARD, MOORE AND JUBELIRER,
AUGUST 5, 1977

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 19, 1977

AN ACT

1 To promote the general welfare and stimulate the economy of the
2 Commonwealth by requiring that all public bodies, including
3 the Commonwealth, its political subdivisions, and all
4 authorities, include in all contracts for construction,
5 reconstruction, alteration, repair, improvement or
6 maintenance of improvements of a permanent or temporary
7 nature, a provision that if any steel products are to be used
8 in the performance of the contract only steel products
9 produced in the United States shall be used, and imposing
10 liability for violation of this act.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. This act shall be known and may be cited as the
14 "Steel Products Procurement Act."

15 Section 2. This act shall be deemed to be an exercise of the
16 police powers of the Commonwealth for the protection of the
17 health, safety and general welfare of the people of the
18 Commonwealth.

19 Section 3. It is hereby determined by the General Assembly
20 of Pennsylvania and declared as a matter of legislative findings

1 that:

2 (1) The Commonwealth of Pennsylvania is one of the
3 leading states in the United States in the production of
4 steel.

5 (2) The production of steel products constitutes a major
6 industry of the Commonwealth and, as such, provides the jobs
7 and family incomes of hundreds of thousands of the people of
8 this Commonwealth and, in turn, millions of persons in the
9 United States.

10 (3) The taxes paid to the Commonwealth and its political
11 subdivisions by employers and employees engaged in the
12 production and sale of steel products are one of the largest
13 single sources of public revenues in this Commonwealth.

14 (4) It has, for many years, been the policy of the
15 Commonwealth to aid and support the development and expansion
16 of industry in this Commonwealth in order to foster the
17 economic well-being of the Commonwealth and its people.

18 (5) The economy and general welfare of the Commonwealth
19 and its people, as well as the economy, general welfare and
20 national security of the United States, are inseparably
21 related to the preservation and development of the steel
22 industry in the Commonwealth and in the other states of the
23 United States.

24 The Pennsylvania General Assembly therefore declares it to be
25 the policy of the Commonwealth of Pennsylvania that all public
26 officers and agencies should, at all times, aid and promote the
27 development of the steel industry of the United States in order
28 to stimulate and improve the economic well-being of the
29 Commonwealth and its people.

30 Section 4. (A) Every public agency shall require that every <—

1 contract document for the construction, reconstruction,
2 alteration, repair, improvement or maintenance of public works
3 contain a provision that, if any steel products are to be used
4 or supplied in the performance of the contract, only steel
5 products as herein defined shall be used or supplied in the
6 performance of the contract or any subcontracts thereunder.

7 (B) THIS SECTION SHALL NOT APPLY IN ANY CASE WHERE THE HEAD <—
8 OF THE PUBLIC AGENCY, IN WRITING, DETERMINES THAT STEEL PRODUCTS
9 AS HEREIN DEFINED ARE NOT PRODUCED IN THE UNITED STATES IN
10 SUFFICIENT QUANTITIES TO MEET THE REQUIREMENTS OF THE CONTRACT.

11 Section 5. No public agency shall authorize, provide for or
12 make any payments to any person under any contract containing
13 the provision required by section 4 unless the public agency is
14 satisfied that such person has fully complied with such
15 provision. Any such payments made to any person by any public
16 agency which should not have been made as a result of this
17 section shall be recoverable DIRECTLY FROM THE CONTRACTOR OR <—
18 SUBCONTRACTOR WHO DID NOT COMPLY WITH SECTION 4 by either such
19 public agency or the Attorney General of Pennsylvania upon suit
20 filed in the court of common pleas of any county in which such
21 contract was executed or in whole or in part performed.

22 Section 6. The following words and phrases when used in this
23 act shall have, unless the context clearly indicates otherwise,
24 the meanings given to them in this section:

25 "Person." Natural persons as well as corporations,
26 partnerships, business units and associations.

27 "Public agency."

28 (1) the Commonwealth and its departments, boards,
29 commissions and agencies;

30 (2) counties, cities, boroughs, townships, school

1 districts, and any other governmental unit or district;

2 (3) the State Public School Building Authority, the
3 State Highway and Bridge Authority, and any other authority
4 now in existence or hereafter created or organized by the
5 Commonwealth;

6 (4) all municipal or school or other authorities now in
7 existence or hereafter created or organized by any county,
8 city, borough, township or school district or combination
9 thereof; and

10 (5) any and all other public bodies, authorities,
11 officers, agencies or instrumentalities, whether exercising a
12 governmental or proprietary function.

13 "Public works." Any structure, building, highway,
14 waterway, street, bridge, transit system, airport or other
15 betterment, work or improvement whether of a permanent or
16 temporary nature and whether for governmental or proprietary
17 use.

18 "Steel products." Products rolled, formed, shaped, drawn,
19 extruded, forged, cast, fabricated or otherwise similarly
20 processed, or processed by a combination of two or more of such
21 operations, from steel made in the United States by the open
22 hearth, basic oxygen, electric furnace, Bessemer or other steel
23 making process.

24 "United States." The United States of America and includes
25 all territory, continental or insular, subject to the
26 jurisdiction of the United States.

27 Section 7. This act is intended as remedial legislation
28 designed to promote the general welfare and stimulate the
29 economy of the Commonwealth and its people and each and every
30 provision hereof is intended to receive a liberal construction

1 such as will best effectuate that purpose and no provision is
2 intended to receive a strict or limited construction.

3 Section 8. All acts or parts of acts are repealed insofar as
4 they are inconsistent herewith.

5 Section 9. This act shall take effect in 60 days BUT SHALL <—
6 NOT APPLY TO ANY CONTRACT AWARDED PURSUANT TO AN INVITATION FOR
7 BIDS ISSUED ON OR BEFORE THE EFFECTIVE DATE OF THIS ACT.