
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1149 Session of
2003

INTRODUCED BY LEH, ARMSTRONG, BAKER, BALDWIN, BASTIAN,
BENNINGHOFF, BUNT, CREIGHTON, EGOLF, FAIRCHILD, FLEAGLE,
FORCIER, GILLESPIE, HARPER, HARRIS, HERMAN, HERSHEY,
HICKERNELL, LEWIS, MACKERETH, MARSICO, McNAUGHTON, METCALFE,
R. MILLER, S. MILLER, NICKOL, REICHLEY, ROHRER, ROSS, SATHER,
SAYLOR, SCHRODER, STEIL, R. STEVENSON, T. STEVENSON,
E. Z. TAYLOR, THOMAS, TRUE, TURZAI, VANCE AND WILT,
APRIL 11, 2003

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 11, 2003

AN ACT

1 Providing for open contracting by the Commonwealth and its
2 political subdivisions and their agencies and authorities.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Open
7 Contracting Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Public body." The Commonwealth or any of its political
13 subdivisions, or an agency or authority of either.

14 "Public works." Construction, reconstruction, demolition,
15 alteration or repair work, other than routine maintenance work,

1 contracted for by a public body.

2 "Responsible bidder." A person, partnership or corporation
3 that has the capability in all respects to fully perform the
4 contract requirements and who has the integrity and reliability
5 which will assure good faith performance.

6 Section 3. Prohibited practices.

7 Contract specifications issued by public bodies soliciting
8 bids on public works projects shall not include any of the
9 following:

10 (1) A requirement that a successful bidder or any of its
11 subcontractors utilize workers:

12 (i) represented by a designated labor organization;

13 or

14 (ii) referred by a designated labor organization.

15 (2) A requirement that a successful bidder's existing
16 work force or any of its subcontractors' work forces
17 affiliate with or pay dues to a labor organization.

18 (3) A requirement that a successful bidder or any of its
19 subcontractors recognize a labor organization as the
20 exclusive representative of any of its employees on the
21 public works project.

22 Section 4. Discrimination prohibited.

23 It shall be an unlawful practice for a public body to
24 consider or use as a criterion in its selection process the
25 union or nonunion status of a bidder's work force.

26 Section 5. Enforcement.

27 (a) General rule.--A party which is aggrieved by an act
28 committed by a public body which violates section 3 or 4 may
29 file an action in a court of competent jurisdiction to enjoin
30 the act.

1 (b) Damages and attorney fees.--A court of competent
2 jurisdiction may award damages and reasonable attorney fees to
3 an aggrieved party that is successful in an action filed under
4 subsection (a).

5 Section 6. Effective date.

6 This act shall take effect in 60 days.