

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 458 Session of 2011

INTRODUCED BY PETRI, BOYD, CALTAGIRONE, DeLUCA, FLECK, GIBBONS, GOODMAN, GRELL, GROVE, HENNESSEY, HORNAMAN, MARSICO, METZGAR, MILLARD, MURPHY, MURT, O'NEILL, PETRARCA, PYLE, RAPP, READSHAW, ROAE, SCAVELLO, K. SMITH, STABACK, STURLA, WATSON AND WHITE, FEBRUARY 4, 2011

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 4, 2011

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.--A 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.--A person submitting a bid or offer to a  
17 Commonwealth agency for a contract for services shall certify,

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

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

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

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