

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1021 Session of 2011

INTRODUCED BY KRIEGER, MARSICO, CALTAGIRONE, MAHONEY, VULAKOVICH, GINGRICH, HUTCHINSON, EVANKOVICH, REICHLEY, DUNBAR, REESE, TALLMAN, PETRARCA, HARRIS, MANN, ELLIS, BAKER, PICKETT, REED, EVERETT, GROVE, COHEN, METCALFE, METZGAR, GRELL, CREIGHTON, PYLE, ROAE, CUTLER, MUSTIO, SCHRODER, MILLER, SONNEY AND MURT, MARCH 14, 2011

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 3, 2011

AN ACT

1 Amending Title 62 (Procurement) of the Pennsylvania Consolidated
2 Statutes, further providing for SOLE SOURCE PROCUREMENT AND
3 FOR competitive selection procedures for certain services;
4 AND PROVIDING FOR DIVERSITY PLAN, FOR DEFINITIONS AND FOR
5 DISCLOSURE OF CONTRIBUTIONS BY CONTRACTORS.



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

8 Section 1. Section 518 of Title 62 of the Pennsylvania
9 Consolidated Statutes is amended to read:



10 SECTION 1. SECTIONS 515 AND 518 OF TITLE 62 OF THE
11 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:
12 § 515. SOLE SOURCE PROCUREMENT.



13 (A) DETERMINATION.--A CONTRACT MAY BE AWARDED FOR A SUPPLY,
14 SERVICE OR CONSTRUCTION ITEM WITHOUT COMPETITION IF THE
15 CONTRACTING OFFICER FIRST DETERMINES IN WRITING THAT ONE OF THE
16 FOLLOWING CONDITIONS EXISTS:

17 (1) ONLY A SINGLE CONTRACTOR IS CAPABLE OF PROVIDING THE

1 SUPPLY, SERVICE OR CONSTRUCTION.

2 (2) A FEDERAL OR STATE STATUTE OR FEDERAL REGULATION  
3 EXEMPTS THE SUPPLY, SERVICE OR CONSTRUCTION FROM THE  
4 COMPETITIVE PROCEDURE.

5 (3) THE TOTAL COST OF THE SUPPLY, SERVICE OR  
6 CONSTRUCTION IS LESS THAN THE AMOUNT ESTABLISHED BY THE  
7 DEPARTMENT FOR SMALL, NO-BID PROCUREMENTS UNDER SECTION 514  
8 (RELATING TO SMALL PROCUREMENTS).

9 (4) IT IS CLEARLY NOT FEASIBLE TO AWARD THE CONTRACT FOR  
10 SUPPLIES OR SERVICES ON A COMPETITIVE BASIS.

11 (5) THE SERVICES ARE TO BE PROVIDED BY ATTORNEYS OR  
12 LITIGATION CONSULTANTS SELECTED BY THE OFFICE OF GENERAL  
13 COUNSEL, THE OFFICE OF ATTORNEY GENERAL, THE DEPARTMENT OF  
14 THE AUDITOR GENERAL OR THE TREASURY DEPARTMENT.

15 (6) THE SERVICES ARE TO BE PROVIDED BY EXPERT WITNESSES.

16 (7) THE SERVICES INVOLVE THE REPAIR, MODIFICATION OR  
17 CALIBRATION OF EQUIPMENT AND THEY ARE TO BE PERFORMED BY THE  
18 MANUFACTURER OF THE EQUIPMENT OR BY THE MANUFACTURER'S  
19 AUTHORIZED DEALER, PROVIDED THE CONTRACTING OFFICER  
20 DETERMINES THAT BIDDING IS NOT APPROPRIATE UNDER THE  
21 CIRCUMSTANCES.

22 (8) THE CONTRACT IS FOR INVESTMENT ADVISORS OR MANAGERS  
23 SELECTED BY THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM,  
24 THE STATE EMPLOYEES' RETIREMENT SYSTEM OR A STATE-AFFILIATED  
25 ENTITY.

26 (9) THE CONTRACT IS FOR FINANCIAL OR INVESTMENT EXPERTS  
27 TO BE USED AND SELECTED BY THE TREASURY DEPARTMENT OR  
28 FINANCIAL OR INVESTMENT EXPERTS SELECTED BY THE SECRETARY OF  
29 THE BUDGET.

30 (10) THE CONTRACT FOR SUPPLIES OR SERVICES IS IN THE

1 BEST INTEREST OF THE COMMONWEALTH.  
2 THE WRITTEN DETERMINATION AUTHORIZING SOLE SOURCE PROCUREMENT  
3 SHALL BE INCLUDED IN THE CONTRACT FILE. WITH THE EXCEPTION OF  
4 SMALL PROCUREMENTS UNDER SECTION 514 AND EMERGENCY PROCUREMENTS  
5 UNDER SECTION 516 (RELATING TO EMERGENCY PROCUREMENT), IF THE  
6 SOLE SOURCE PROCUREMENT IS FOR A SUPPLY, EXCEPT FOR COMPUTER  
7 SOFTWARE UPDATES UNDER \$50,000, FOR WHICH THE DEPARTMENT ACTS AS  
8 PURCHASING AGENCY, IT MUST BE APPROVED BY THE BOARD OF  
9 COMMISSIONERS OF PUBLIC GROUNDS AND BUILDINGS PRIOR TO THE AWARD  
10 OF A CONTRACT.

11 (B) LEGAL SERVICES CONTRACT.--THE FOLLOWING SHALL APPLY IN  
12 THE CASE OF LEGAL SERVICES PROCURED UNDER SUBSECTION (A) (5), IN  
13 WHICH THE ATTORNEYS OR LITIGATION CONSULTANTS WILL BE  
14 COMPENSATED ON A CONTINGENT FEE BASIS:

15 (1) COMPENSATION SHALL NOT EXCEED 20% OF A PORTION OF AN  
16 AWARD OR SETTLEMENT.

17 (2) BY FEBRUARY 1 OF EACH YEAR, THE HEAD OF ANY  
18 PURCHASING AGENCY THAT IS PARTY TO A CONTRACT IN WHICH THE  
19 METHOD OF COMPENSATION IS ON A CONTINGENT FEE BASIS SHALL  
20 SUBMIT A REPORT TO THE CHAIRMAN AND MINORITY CHAIRMAN OF THE  
21 STATE GOVERNMENT COMMITTEE OF THE SENATE AND THE CHAIRMAN AND  
22 THE MINORITY CHAIRMAN OF THE STATE GOVERNMENT COMMITTEE OF  
23 THE HOUSE OF REPRESENTATIVES. THE REPORT SHALL LIST FOR EACH  
24 CONTINGENT FEE CONTRACT THE PARTIES TO THE CONTRACT, THE  
25 NATURE OF THE CONTRACT, THE DATE THE CONTRACT WAS ENTERED  
26 INTO, THE DATE OF TERMINATION, IF ANY, AND THE RATE OF  
27 COMPENSATION.

28 (3) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPHS (1)  
29 AND (2) EACH CONTRACT FOR LEGAL SERVICES SHALL INCLUDE THE  
30 FOLLOWING PROVISIONS:

1           (I) COMMONWEALTH ATTORNEYS DESIGNATED BY THE HEAD OF  
2           THE PURCHASING AGENCY SHALL RETAIN CONTROL OVER THE  
3           COURSE AND CONDUCT OF ANY LEGAL ACTION, RETAIN THE  
4           ABILITY TO HAVE DIRECT CONTACT WITH ANY PARTY TO THE  
5           ACTION AND PARTICIPATE IN ANY CONFERENCE CALL, HEARING,  
6           TRIAL OR SETTLEMENT CONFERENCE.

7           (II) THE PURCHASING AGENCY SHALL MAINTAIN THE  
8           EXCLUSIVE POWER TO ACCEPT A SETTLEMENT.

9           (III) NOTWITHSTANDING THE PROVISIONS OF  
10           SUBPARAGRAPHS (I) AND (II), COMMONWEALTH ATTORNEYS SHALL  
11           BE SUBJECT TO THE RULES OF PROFESSIONAL CONDUCT AS SET  
12           FORTH BY THE SUPREME COURT IN ACCORDANCE WITH SECTION  
13           10(C) OF ARTICLE V OF THE CONSTITUTION OF PENNSYLVANIA.

14           (C) DEFINITION.--AS USED IN THIS SECTION, THE TERM  
15           "COMMONWEALTH ATTORNEY" MEANS AN ATTORNEY EMPLOYED BY THE  
16           PURCHASING AGENCY WHO IS ELIGIBLE TO PARTICIPATE IN THE  
17           RETIREMENT SYSTEM ESTABLISHED UNDER 71 PA.C.S. PT. XXV (RELATING  
18           TO RETIREMENT FOR STATE EMPLOYEES AND OFFICERS).

19 § 518. Competitive selection procedures for certain services.

20           (a) Conditions for use.--The services of accountants,  
21 clergy, physicians, lawyers, dentists and other professional  
22 services which are not performed by other Commonwealth employees  
23 shall be procured in accordance with this section except as  
24 authorized under section 514 (relating to small procurements)†, ←  
25 515 (relating to sole source procurement)† or 516 (relating to ←  
26 emergency procurement).

27           (b) Statement of qualifications.--Persons engaged in  
28 providing the types of services specified in subsection (a) may  
29 submit statements of qualifications and expressions of interest  
30 in providing these services. The contracting officer may specify

1 a uniform format for statements of qualifications. Persons may  
2 amend these statements at any time by filing a new statement.

3 (c) Request for proposals.--[Adequate notice of] When the  
4 need for the services specified in subsection (a) [shall be  
5 given by] exists, the purchasing agency shall solicit the  
6 services through a request for proposals. The request for  
7 proposals shall describe the services required, list the type of  
8 information required of each offeror [and], state the relative  
9 importance of the particular information and disclose the method  
10 of compensation.

11 (c.1) Method of compensation.--If the head of the  
12 contracting PURCHASING agency determines in writing that it is ←  
13 in the best interests of the Commonwealth for the services to be  
14 provided on a contingent fee basis, the head of the purchasing  
15 agency shall disclose in the request for proposals required by  
16 subsection (c) that the method of compensation for the  
17 procurement shall be on a contingent fee basis.

18 (c.2) Evaluation.--The relative importance of the evaluation  
19 factors shall be fixed prior to opening the proposals.

20 (d) Discussions.--The contracting officer may conduct  
21 discussions with any responsible offeror to determine the  
22 offeror's qualifications for further consideration. Discussions  
23 shall not disclose any information derived from proposals  
24 submitted by other offerors.

25 (e) [Award.--Award shall be made to the] Selection for  
26 negotiation.--The responsible offeror determined in writing by  
27 the contracting officer to be best qualified based on the  
28 evaluation factors set forth in the request for proposals[.  
29 Fair] shall be selected for contract negotiations.

30 (f) Fee for services compensation.--If the offeror is to be

1 compensated on a fee for services basis, fair and reasonable  
2 compensation shall be determined through negotiation. ~~The rate~~ ←  
3 ~~of compensation shall not exceed the rate charged to other~~  
4 ~~governmental entities.~~ If compensation cannot be agreed upon  
5 with the best qualified responsible offeror, then negotiations  
6 will be formally terminated with the offeror. If proposals were  
7 submitted by one or more other responsible offerors,  
8 negotiations may be conducted with the other responsible offeror  
9 or responsible offerors in the order of their respective  
10 qualification ranking. [The contract may be awarded to the  
11 responsible offeror then ranked as best qualified if the amount  
12 of compensation is determined to be fair and reasonable.]

13 (g) Contingent fee compensation.--If the offeror is to be  
14 compensated on a contingent fee basis, fair and reasonable  
15 compensation shall be determined through negotiation.  
16 Compensation shall not exceed 20% of a portion of an award or  
17 settlement, or \$25,000,000, whichever is less. If compensation ←  
18 cannot be agreed upon with the best qualified responsible  
19 offeror, then negotiations will be formally terminated with the  
20 offeror. If proposals were submitted by one or more other  
21 responsible offerors, negotiations may be conducted with the  
22 other responsible offeror or responsible offerors in the order  
23 of their respective qualification ranking. By February 1 of each  
24 year, ~~if a Commonwealth agency~~ THE HEAD OF ANY PURCHASING AGENCY ←  
25 THAT is party to A contract in which the method of compensation ←  
26 is on a contingent fee basis, ~~the head of that Commonwealth~~ ←  
27 agency shall submit a report to the President Pro tempore of the  
28 Senate and the Speaker SHALL SUBMIT A REPORT TO THE CHAIRMAN AND ←  
29 MINORITY CHAIRMAN OF THE STATE GOVERNMENT COMMITTEE OF THE  
30 SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE STATE

1 GOVERNMENT COMMITTEE of the House of Representatives. The report  
2 shall list for each contingent fee contract the parties to the  
3 contract, the nature of the contract, the date the contract was  
4 entered into, the date of termination, if any, and the rate of  
5 compensation.

6 (h) Contracts.--If an agreement was reached during  
7 negotiations, a contract may be entered into between the  
8 purchasing agency and the offeror. All contracts procuring  
9 services under this section shall be in writing and posted in  
10 accordance with Chapter 17 of the act of February 14, 2008  
11 (P.L.6, No.3) known as the Right-to-Know Law.

12 (i) Legal services contracts.--If the procurement is for  
13 legal services, in addition to the requirements of subsection  
14 (h), each contract for legal services shall do the following  
15 INCLUDE THE FOLLOWING PROVISIONS:

16 (1) Commonwealth attorneys DESIGNATED BY THE HEAD OF THE  
17 PURCHASING AGENCY shall retain control over the course and  
18 conduct of any legal action, retain the ability to have  
19 direct contact with any party to the action and participate  
20 in any conference call, hearing, trial or settlement  
21 conference.

22 (2) The contracting agency maintains PURCHASING AGENCY  
23 SHALL MAINTAIN the exclusive power to accept a settlement.

24 (3) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (1) AND  
25 (2), COMMONWEALTH ATTORNEYS SHALL BE SUBJECT TO THE RULES OF  
26 PROFESSIONAL CONDUCT AS SET FORTH BY THE SUPREME COURT IN  
27 ACCORDANCE WITH SECTION 10(C) OF ARTICLE V OF THE  
28 CONSTITUTION OF PENNSYLVANIA.

29 (j) Definition.--As used in this section, the term  
30 "commonwealth attorney" means an attorney employed by the

1 contracting agency who is eligible to participate in the  
2 retirement system established by 71 Pa.C.S. Pt. XXV (relating to  
3 retirement for State employees and officers).

4 SECTION 2. TITLE 62 IS AMENDED BY ADDING SECTIONS TO READ: ←

5 § 520.1. DIVERSITY PLAN.

6 A CONTRACT SHALL NOT BE GRANTED UNLESS THE CONTRACTING AGENCY  
7 FINDS THAT THE OFFEROR HAS DEVELOPED AND IMPLEMENTED OR AGREED  
8 TO DEVELOP AND IMPLEMENT A DIVERSITY PLAN TO ASSURE THAT ALL  
9 PERSONS ARE ACCORDED EQUALITY OF OPPORTUNITY IN EMPLOYMENT AND  
10 CONTRACTING BY THE OFFEROR, ITS SUBCONTRACTORS, ASSIGNEES,  
11 LESSEES, AGENTS, VENDORS AND SUPPLIERS.

12 § 2301.1. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
14 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 "AFFILIATE." ANY OF THE FOLLOWING:

17 (1) A PARENT, SUBSIDIARY OR OTHERWISE AFFILIATED ENTITY  
18 OF AN APPLICANT OR A CONTRACTOR.

19 (2) AN OFFICER, DIRECTOR, ASSOCIATE, CONTROLLING  
20 SHAREHOLDER, INDIVIDUAL OWNER, PARTNER OR LIMITED PARTNER OF  
21 AN APPLICANT OR A CONTRACTOR.

22 (3) AN OFFICER, DIRECTOR, ASSOCIATE, CONTROLLING  
23 SHAREHOLDER, INDIVIDUAL OWNER, PARTNER OR LIMITED PARTNER OF  
24 A PARENT, SUBSIDIARY OR OTHERWISE AFFILIATED ENTITY OF AN  
25 APPLICANT OR A CONTRACTOR.

26 (4) A POLITICAL COMMITTEE CONTROLLED BY AN APPLICANT OR  
27 A CONTRACTOR.

28 (5) A POLITICAL COMMITTEE CONTROLLED BY A PARENT,  
29 SUBSIDIARY OR OTHERWISE AFFILIATED ENTITY OF AN APPLICANT OR  
30 A CONTRACTOR.



1           (6) A LOBBYIST OR LOBBYING FIRM IDENTIFIED ON AN  
2           APPLICANT'S DISCLOSURE STATEMENT OR A CONTRACTOR'S UPDATED  
3           DISCLOSURE STATEMENT.

4           (7) A MEMBER OF THE IMMEDIATE FAMILY OF AN INDIVIDUAL  
5           DESCRIBED IN PARAGRAPHS (1), (2), (3), (4), (5) AND (6).

6           "APPLICANT." A BIDDER, OFFEROR OR OTHER PERSON SEEKING A  
7           CONTRACT, WHICH IS TO BE AWARDED UNDER SECTION 513 (RELATING TO  
8           COMPETITIVE SEALED PROPOSALS), 514 (RELATING TO SMALL  
9           PROCUREMENTS), 515 (RELATING TO SOLE SOURCE PROCUREMENT), 516  
10           (RELATING TO EMERGENCY PROCUREMENT), 518 (RELATING TO  
11           COMPETITIVE SELECTION PROCEDURES FOR CERTAIN SERVICES) OR 519  
12           (RELATING TO SELECTION PROCEDURE FOR INSURANCE AND NOTARY  
13           BONDS).

14           "ELECTED OFFICIAL." AN INDIVIDUAL ELECTED BY THE PUBLIC TO  
15           SERVE A TERM IN AN ELECTIVE OFFICE. THE TERM SHALL INCLUDE AN  
16           INDIVIDUAL APPOINTED TO FILL AN UNEXPIRED TERM IN AN ELECTIVE  
17           OFFICE.

18           "ELECTIVE OFFICE." A POSITION IN A GOVERNMENTAL BODY TO  
19           WHICH AN INDIVIDUAL IS REQUIRED UNDER THE CONSTITUTION OF THE  
20           COMMONWEALTH OR BY STATE LAW TO BE ELECTED BY THE PUBLIC.

21           "IMMEDIATE FAMILY." A PARENT, SPOUSE, CHILD, BROTHER OR  
22           SISTER.

23           "LOBBYING." AS DEFINED IN 65 PA.C.S. § 13A03 (RELATING TO  
24           DEFINITIONS).

25           "LOBBYING FIRM." AS DEFINED IN 65 PA.C.S. § 13A03 (RELATING  
26           TO DEFINITIONS).

27           "LOBBYIST." AS DEFINED IN 65 PA.C.S. § 13A03 (RELATING TO  
28           DEFINITIONS).

29           "REPORTABLE CONTRIBUTION." ANY OF THE FOLLOWING:

30           (1) A CONTRIBUTION MADE BY AN APPLICANT OR CONTRACTOR OR

1 AN AFFILIATE OF AN APPLICANT OR A CONTRACTOR TO:

2 (I) A CANDIDATE FOR NOMINATION OR ELECTION TO AN  
3 ELECTIVE OFFICE OR TO THE CANDIDATE'S POLITICAL  
4 COMMITTEE;

5 (II) AN ELECTED OFFICIAL OR TO THE ELECTED  
6 OFFICIAL'S CANDIDATE POLITICAL COMMITTEE; OR

7 (III) A POLITICAL COMMITTEE NOT DESCRIBED IN  
8 SUBPARAGRAPH (I) WITH THE PURPOSE AND INTENT THAT THE  
9 POLITICAL COMMITTEE WILL, DIRECTLY OR INDIRECTLY, MAKE  
10 THE CONTRIBUTION AVAILABLE TO A CANDIDATE FOR NOMINATION  
11 OR ELECTION TO AN ELECTIVE OFFICE OR TO THE CANDIDATE'S  
12 POLITICAL COMMITTEE, OR TO AN ELECTED OFFICIAL OR THE  
13 ELECTED OFFICIAL'S CANDIDATE POLITICAL COMMITTEE.

14 (2) A CONTRIBUTION MADE BY A PERSON TO A CANDIDATE FOR  
15 NOMINATION OR ELECTION TO AN ELECTIVE OFFICE OR TO THE  
16 CANDIDATE'S POLITICAL COMMITTEE, OR TO AN ELECTED OFFICIAL OR  
17 TO THE ELECTED OFFICIAL'S CANDIDATE POLITICAL COMMITTEE, FOR  
18 WHICH A PERSON WHO IS AN APPLICANT OR CONTRACTOR OR ANY OF  
19 THEIR RESPECTIVE AFFILIATES ACTS AS AN INTERMEDIARY.

20 § 2304. DISCLOSURE OF CONTRIBUTIONS BY CONTRACTORS.

21 (A) INITIAL DISCLOSURE REQUIREMENTS.--

22 (1) NO COMMONWEALTH AGENCY MAY AWARD A CONTRACT TO AN  
23 APPLICANT UNDER SECTION 513 (RELATING TO COMPETITIVE SEALED  
24 PROPOSALS), 514 (RELATING TO SMALL PROCUREMENTS), 515  
25 (RELATING TO SOLE SOURCE PROCUREMENT), 516 (RELATING TO  
26 EMERGENCY PROCUREMENT), 518 (RELATING TO COMPETITIVE  
27 SELECTION PROCEDURES FOR CERTAIN SERVICES) OR 519 (RELATING  
28 TO SELECTION PROCEDURE FOR INSURANCE AND NOTARY BONDS) UNLESS  
29 THE APPLICANT HAS SUBMITTED TO THE AGENCY A COMPLETED AND  
30 SIGNED DISCLOSURE STATEMENT THAT SETS FORTH THE INFORMATION

1 REQUIRED UNDER SUBSECTION (C) AND IS OTHERWISE IN COMPLIANCE  
2 WITH THIS SECTION.

3 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3), AN APPLICANT  
4 SHALL SUBMIT A COMPLETED AND SIGNED DISCLOSURE STATEMENT TO  
5 THE AGENCY WITH OTHER BID OR PROPOSAL MATERIALS RELATING TO  
6 THE CONTRACT ON OR PRIOR TO THE TIME AND DATE ESTABLISHED BY  
7 THE AGENCY FOR RECEIPT OF BIDS OR PROPOSALS.

8 (3) FOR CONTRACTS AWARDED UNDER SECTION 514, 515 OR 516  
9 THAT DO NOT REQUIRE THE SUBMISSION OF BIDS OR OFFERS, AN  
10 APPLICANT SHALL SUBMIT A COMPLETED DISCLOSURE STATEMENT AS  
11 DIRECTED BY THE AGENCY, BUT PRIOR TO THE AGENCY'S AWARD OF  
12 THE CONTRACT.

13 (4) A BID OR OFFER MADE WITHOUT A COMPLETED AND SIGNED  
14 DISCLOSURE STATEMENT SHALL NOT BE CONSIDERED A RESPONSIVE BID  
15 OR OFFER.

16 (B) REQUIREMENT TO UPDATE DISCLOSURES.--

17 (1) A CONTRACTOR WHO HAS BEEN AWARDED A CONTRACT UNDER  
18 SECTION 513, 514, 515, 516, 518 OR 519 SHALL, DURING THE TERM  
19 OF THE CONTRACT AND FOR ONE YEAR THEREAFTER, SUBMIT AN  
20 UPDATED DISCLOSURE STATEMENT TO THE AGENCY WITHIN FIVE DAYS  
21 FOLLOWING MAKING A REPORTABLE CONTRIBUTION OR LEARNING THAT  
22 AN AFFILIATE HAS MADE A REPORTABLE CONTRIBUTION. EACH UPDATED  
23 DISCLOSURE STATEMENT SHALL INCLUDE ALL REPORTABLE  
24 CONTRIBUTIONS MADE SINCE THE DATE OF THE FIRST DISCLOSURE  
25 STATEMENT SUBMITTED.

26 (2) EACH CONTRACT AWARDED UNDER SECTION 513, 514, 515,  
27 518 OR 519 SHALL CONTAIN A PROVISION REQUIRING THE CONTRACTOR  
28 TO SUBMIT AN UPDATED DISCLOSURE STATEMENT AS REQUIRED UNDER  
29 PARAGRAPH (1).

30 (C) FORM OF DISCLOSURE STATEMENTS.--

1           (1) THE DEPARTMENT OF GENERAL SERVICES SHALL DEVELOP A  
2 FORM OF DISCLOSURE STATEMENT TO BE USED BY APPLICANTS AND  
3 CONTRACTORS UNDER THIS SECTION.

4           (2) ALL INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS AND  
5 OTHER AGENCY COMMUNICATIONS WITH PROSPECTIVE CONTRACTORS  
6 REGARDING A CONTRACT AWARDED UNDER SECTION 513, 514, 515,  
7 516, 518 OR 519, SHALL INCLUDE A DISCLOSURE STATEMENT FORM  
8 AND INFORMATION REGARDING THE DISCLOSURE REQUIREMENTS OF THIS  
9 SECTION.

10           (3) THE DEPARTMENT OF GENERAL SERVICES AND THE  
11 DEPARTMENT OF STATE SHALL POST THE DISCLOSURE STATEMENT FORM  
12 AND INFORMATION REGARDING THE DISCLOSURE REQUIREMENTS OF THIS  
13 SECTION ON THEIR RESPECTIVE PUBLICLY ACCESSIBLE INTERNET  
14 WEBSITES AND SHALL OTHERWISE MAKE THE FORMS AND INFORMATION  
15 AVAILABLE UPON REQUEST.

16           (D) CONTENT OF DISCLOSURE STATEMENTS AND UPDATES.--EACH  
17 DISCLOSURE STATEMENT SUBMITTED PURSUANT TO SUBSECTION (A) SHALL  
18 INCLUDE THE FOLLOWING INFORMATION:

19           (1) THE NAME, BUSINESS ADDRESS AND TELEPHONE NUMBER OF  
20 THE APPLICANT OR CONTRACTOR.

21           (2) THE CONTRACT NUMBER OR OTHER IDENTIFYING INFORMATION  
22 REGARDING THE CONTRACT SOUGHT BY THE APPLICANT OR AWARDED TO  
23 THE CONTRACTOR.

24           (3) THE NAMES, BUSINESS ADDRESSES AND TELEPHONE NUMBERS  
25 OF ALL LOBBYISTS AND LOBBYING FIRMS PAID BY THE APPLICANT TO  
26 LOBBY A COMMONWEALTH AGENCY TO INFLUENCE THE AWARDING OF A  
27 CONTRACT WITHIN ONE YEAR PRIOR TO THE DATE OF AN APPLICANT'S  
28 BID, OFFER OR PROPOSAL.

29           (4) A LIST OF ALL REPORTABLE CONTRIBUTIONS MADE WITHIN  
30 THREE YEARS PRIOR TO THE DATE OF THE APPLICANT'S BID, OFFER

1 OR PROPOSAL. FOR EACH REPORTABLE CONTRIBUTION MADE, THE  
2 APPLICANT SHALL IDENTIFY THE RECIPIENT OF THE CONTRIBUTION  
3 AND THE DATE AND AMOUNT OF THE CONTRIBUTION.

4 (5) ALL FUNDRAISING EVENTS HOSTED BY AN APPLICANT OR ANY  
5 OF THE APPLICANT'S AFFILIATES WITHIN THREE YEARS PRIOR TO THE  
6 DATE OF THE APPLICANT'S BID, OFFER OR PROPOSAL FOR THE  
7 PURPOSE OF SOLICITING OR RECEIVING REPORTABLE CONTRIBUTIONS  
8 AND THE DATE AND AMOUNT OF REPORTABLE CONTRIBUTIONS SOLICITED  
9 OR RECEIVED AT EACH EVENT. AN UPDATED DISCLOSURE STATEMENT  
10 SHALL BE SUBMITTED DURING THE TERM OF A CONTRACT WITHIN FIVE  
11 DAYS FOLLOWING A FUNDRAISING EVENT DESCRIBED IN THIS  
12 PARAGRAPH HOSTED BY A CONTRACTOR OR AN AFFILIATE OF A  
13 CONTRACTOR.

14 (6) THE NAME, BUSINESS ADDRESS AND TELEPHONE NUMBER OF  
15 ALL SUBCONTRACTORS WHICH THE APPLICANT INTENDS TO USE ON THE  
16 CONTRACT OR WHICH THE CONTRACTOR IS USING ON THE CONTRACT.

17 (E) POSTING OF DISCLOSURE STATEMENTS AND UPDATES.--

18 (1) A COMMONWEALTH AGENCY SHALL PROMPTLY TRANSMIT TO THE  
19 DEPARTMENT OF STATE A COPY OF THE DISCLOSURE STATEMENT AND  
20 EACH UPDATED DISCLOSURE STATEMENT IT RECEIVES FROM AN  
21 APPLICANT OR CONTRACTOR UNDER THIS SECTION.

22 (2) THE DEPARTMENT OF STATE SHALL POST EACH DISCLOSURE  
23 STATEMENT AND EACH UPDATED DISCLOSURE STATEMENT RECEIVED  
24 UNDER THIS SECTION ON ITS PUBLICLY ACCESSIBLE INTERNET  
25 WEBSITE NO LATER THAN FIVE DAYS AFTER THE DISCLOSURE  
26 STATEMENT OR UPDATE HAS BEEN RECEIVED BY THE DEPARTMENT. EACH  
27 DISCLOSURE STATEMENT AND RELATED UPDATES SHALL REMAIN POSTED  
28 FOR A PERIOD OF TIME ENCOMPASSING THE LENGTH OF THE CONTRACT  
29 AND ONE YEAR THEREAFTER. TO THE EXTENT PRACTICABLE, EACH  
30 DISCLOSURE STATEMENT AND RELATED UPDATES SHALL BE POSTED

1 TOGETHER.

2 (3) THE DEPARTMENT OF STATE SHALL ALSO MAKE DISCLOSURE  
3 STATEMENTS AND UPDATED DISCLOSURE STATEMENTS RECEIVED UNDER  
4 THIS SECTION AVAILABLE FOR PUBLIC INSPECTION AND COPYING.

5 (F) PROHIBITED CONTRACTS.--NOTWITHSTANDING ANY OTHER  
6 PROVISION OF THIS TITLE OR OTHER LAW:

7 (1) NO CONTRACT SHALL BE AWARDED TO AN APPLICANT WHO HAS  
8 MADE A REPORTABLE CONTRIBUTION TO AN ELECTED OFFICIAL WITHIN  
9 TWO YEARS PRIOR TO THE DATE OF THE APPLICANT'S APPLICATION;  
10 AND

11 (2) NO CONTRACT SHALL BE RENEWED WITH AN APPLICANT WHO  
12 HAD MADE A REPORTABLE CONTRIBUTION TO AN ELECTED OFFICIAL  
13 WITHIN TWO YEARS PRIOR TO THE DATE THE RENEWAL IS TO BE  
14 EFFECTIVE.

15 (G) PENALTIES.--AN APPLICANT OR CONTRACTOR WHO MAKES A  
16 MATERIAL MISSTATEMENT OR OMISSION IN A DISCLOSURE STATEMENT OR  
17 UPDATED DISCLOSURE STATEMENT MAY BE DEBARRED OR SUSPENDED UNDER  
18 SECTION 531 (RELATING TO DEBARMENT OR SUSPENSION).

19 SECTION 3. THE AMENDMENT OR ADDITION OF 62 PA.C.S. §§ 515,  
20 518 AND 2301.1 SHALL APPLY TO BIDS, OFFERS OR PROPOSALS THAT ARE  
21 SOLICITED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

22 Section ~~2~~ 4. This act shall take effect ~~in 60 days~~ ←  
23 IMMEDIATELY. ←