
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1840 Session of
2012

INTRODUCED BY BEAR, AUMENT, BOYD, CREIGHTON, CUTLER, DALEY,
FLECK, GEIST, GROVE, HALUSKA, HESS, HORNAMAN, KAUFFMAN, MOUL,
MURT, PASHINSKI, PETRARCA, RAPP, READSHAW AND VULAKOVICH,
MAY 14, 2012

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 14, 2012

AN ACT

1 Amending the act of March 3, 1978 (P.L.6, No.3), entitled "An
2 act to promote the general welfare and stimulate the economy
3 of the Commonwealth by requiring that all public bodies,
4 including the Commonwealth, its political subdivisions, and
5 all authorities, include in all contracts for construction,
6 reconstruction, alteration, repair, improvement or
7 maintenance of improvements of a permanent or temporary
8 nature, a provision that if any steel products are to be used
9 in the performance of the contract only steel products
10 produced in the United States shall be used, and imposing
11 liability for violation of this act," further providing for
12 required contract provisions.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 4 of the act of March 3, 1978 (P.L.6,
16 No.3), known as the Steel Products Procurement Act, is amended
17 to read:

18 Section 4. (a) Every public agency shall require that every
19 contract document for the construction, reconstruction,
20 alteration, repair, improvement or maintenance of public works
21 contain a provision that, if any steel products are to be used
22 or supplied in the performance of the contract, only steel

1 products as herein defined shall be used or supplied in the
2 performance of the contract or any subcontracts thereunder.

3 (b) This section shall not apply in any case where:

4 (1) the head of the public agency, in writing, determines
5 that steel products as herein defined are not produced in the
6 United States in sufficient quantities to meet the requirements
7 of the contract[.];

8 (2) a list of exempt steel products, which has been
9 identified by the Department of General Services as not produced
10 in the United States in sufficient quantities in the previous
11 calendar year, is published on the department's Internet
12 website, which contractors, subcontractors, suppliers, bidders,
13 offerors and public agencies can rely upon in preparing bids and
14 contracts. The list of exempt products shall be updated annually
15 on a date selected by the Department of General Services. The
16 Department of General Services may not make changes to the list
17 during the year following publication.

18 (c) The General Assembly under section 11 of Article I of
19 the Constitution of Pennsylvania reaffirms sovereign immunity,
20 and no provision of this section shall constitute a waiver of
21 sovereign immunity for the purpose of 1 Pa.C.S. § 2310 (relating
22 to sovereign immunity reaffirmed; specific waiver) or otherwise.

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