

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 396 Session of 2013

INTRODUCED BY M. K. KELLER, CUTLER, GINGRICH, MILLARD, PICKETT, RAPP, KAUFFMAN, C. HARRIS, LAWRENCE, OBERLANDER, MILLER, MILNE, CLYMER, BLOOM, SWANGER, TRUITT, ROSS, GABLER, EVERETT AND GROVE, JANUARY 29, 2013

REFERRED TO COMMITTEE ON URBAN AFFAIRS, JANUARY 29, 2013

AN ACT

1 Amending the act of May 1, 1913 (P.L.155, No.104), entitled "An
2 act regulating the letting of certain contracts for the
3 erection, construction, and alteration of public buildings,"
4 increasing the minimum bid requirement; and providing for
5 evasion of requirements.

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

8 Section 1. Section 1 of the act of May 1, 1913 (P.L.155,
9 No.104), referred to as the Separations Act, amended December
10 22, 1981 (P.L.546, No.159), is amended to read:

11 Section 1. (a) Be it enacted, &c., That hereafter in the
12 preparation of specifications for the erection, construction,
13 and alteration of any public building, when the entire cost of
14 such work shall exceed [four thousand dollars] one hundred
15 thousand dollars subject to annual adjustment under subsection
16 (b), it shall be the duty of the architect, engineer, or other
17 person preparing such specifications, to prepare separate
18 specifications for the plumbing, heating, ventilating, and

1 electrical work; and it shall be the duty of the person or
2 persons authorized to enter into contracts for the erection,
3 construction, or alteration of such public buildings to receive
4 separate bids upon each of the said branches of work, and to
5 award the contract for the same to the lowest responsible bidder
6 for each of said branches.

7 Every contract for the construction, reconstruction,
8 alteration, repair, improvement or maintenance of public works
9 shall comply with the provisions of the act of March 3, 1978
10 (P.L.6, No.3), known as the "Steel Products Procurement Act."

11 (b) The Department of Labor and Industry shall adjust the
12 amount at which competitive bidding is required in subsection
13 (a) on March 1 of each year to conform with increases or
14 decreases in the Consumer Price Index as published by the United
15 States Department of Labor, Bureau of Labor Statistics for the
16 previous calendar year for Urban Wage Earners in the combined
17 area of Pennsylvania, New Jersey, Delaware and Maryland.

18 Section 2. The act is amended by adding a section to read:

19 Section 1.1. No person shall evade the provisions of section
20 1 by purchasing or contracting for services and personal
21 properties piecemeal to obtain prices under the required
22 advertising price, subject to annual adjustment under section
23 1(b). This provision is intended to make unlawful the making of
24 a series of purchases or contracts each for less than the price
25 to which section 1 applies, or by making several simultaneous
26 purchases or contracts, each below said price, when in either
27 case, the transactions involved should have been made as one
28 transaction for one price. Any persons who violate this
29 provision, and who know that the transaction in question is or
30 ought to be a part of a larger transaction, and that it is being

1 divided in order to evade the requirements of section 1, shall
2 be jointly and severally subject to surcharge for ten per centum
3 of the full amount of the contract or purchase.

4 Section 3. This act shall apply to contracts and purchases
5 advertised on or after the effective date of this act.

6 Section 4. This act shall take effect in 60 days.