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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2714 Session of  
2020

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INTRODUCED BY BURNS, MILLARD, SCHLOSSBERG, D. MILLER, PASHINSKI,  
ROZZI, DELLOSO, READSHAW, ZIMMERMAN, CIRESI, MALAGARI,  
DERMODY, NEILSON, KORTZ, ORTITAY, BURGOS, MARSHALL, O'NEAL,  
T. DAVIS AND DeLUCA, JULY 30, 2020

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JULY 30, 2020

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AN ACT

1 Amending Title 62 (Procurement) of the Pennsylvania Consolidated  
2 Statutes, in general provisions relating to general  
3 procurement provisions, providing for preference for bid or  
4 proposal.

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 § 3103. Preference for bid or proposal.

10 (a) Authorization.--Notwithstanding any other law, in the  
11 case of competitive sealed bidding or competitive sealed  
12 proposals based on price factors, a government agency or school  
13 entity authorized to enter a contract for procurement shall:

14 (1) subtract 2% from the bid or proposal of a person  
15 submitting the bid or proposal if the procurement that is the  
16 subject of the bid or proposal involves American-made  
17 supplies, services or construction; and

18 (2) award the contract on the basis of the revised bid

1 or proposal.

2 (b) Documentation.--A government agency or school entity  
3 shall require documentation to confirm that a person qualifies  
4 for the 2% preference described under subsection (a).

5 (c) Definitions.--As used in this section, the following  
6 words and phrases shall have the meanings given to them in this  
7 subsection unless the context clearly indicates otherwise:

8 "American-made supplies, services or construction."  
9 Supplies, services or construction of which at least 75% of the  
10 costs for the materials, equipment, products or processes  
11 involved with the supplies, services or construction, are  
12 derived from the United States.

13 "Contract." A written agreement, regardless of what it may  
14 be called, for the procurement or disposal of supplies, services  
15 or construction.

16 "Person." An individual, organization, sole proprietorship,  
17 association, corporation, partnership, joint venture, limited  
18 partnership, limited liability partnership, limited liability  
19 company or other entity or business association that is capable  
20 of submitting a bid or proposal to a government agency.

21 "Procurement." As follows:

22 (1) Buying, purchasing, renting, leasing, licensing or  
23 otherwise acquiring supplies, services or construction.

24 (2) The term includes all functions that pertain to the  
25 obtaining of any supply, service or construction, including  
26 description of requirements, selection and solicitation of  
27 sources, preparation and award of contract and all phases of  
28 contract administration.

29 "School entity." Any of the following:

30 (1) A school district of any class.

1           (2) A public school or private school.

2           (3) A nonpublic school wherein a resident of this  
3 Commonwealth may legally fulfill the compulsory school  
4 attendance requirements under the act of March 10, 1949  
5 (P.L.30, No.14), known as the Public School Code of 1949, and  
6 that meets the requirements of Title VI of the Civil Rights  
7 Act of 1964 (Public Law 88-352, 78 Stat. 241).

8           (4) An intermediate unit.

9           (5) A joint school.

10           (6) An area career and technical school, as described in  
11 section 1841 of the Public School Code of 1949.

12           (7) A charter school, cyber charter school or regional  
13 charter school, as those terms are defined in section 1703-A  
14 of the Public School Code of 1949.

15           (8) A State-related institution.

16           "United States." The United States of America, including all  
17 territory, continental or insular, subject to the jurisdiction  
18 of the United States.

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