

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1061 Session of  
2023

INTRODUCED BY DELOZIER AND N. NELSON, APRIL 28, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 28, 2023

AN ACT

1 Amending Title 62 (Procurement) of the Pennsylvania Consolidated  
2 Statutes, in contracts for public works, providing for  
3 specifications for contracts.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 62 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 3914. Specifications for contracts.

9 (a) General rule.--No specification for a contract awarded  
10 under this chapter may be written in such a manner as to contain  
11 proprietary, exclusionary or discriminatory requirements other  
12 than those based upon performance unless:

13 (1) the requirements are necessary to test or  
14 demonstrate a specific feature;

15 (2) the requirements are necessary to provide for  
16 interchangeability of parts or equipment;

17 (3) the requirements are necessary to extend or maintain  
18 compatibility with an existing system or equipment. A  
19 contract containing requirements under this paragraph shall

1 include an explanation as to why the extension or  
2 compatibility of a system or equipment requires the  
3 specifications; or

4 (4) no other brand or source exists.

5 (b) Equivalent parts or equipment.--For each part or piece  
6 of equipment, the specifications shall identify the essential  
7 performance features that a brand or model must have in order to  
8 be considered an equivalent and a statement that equivalent  
9 parts or equipment will be given equal consideration.

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