

CAWP
Summary of Legislation
February 2011

Legislative Activity

BIDDING / CONTRACTING

[HB 3](#) RE: Public-Private Transportation Partnerships (By Rep. Rick Geist, et al)

Amends Title 74 (Transportation) adding a chapter providing for public-private transportation partnerships and making a related repeal.

Introduced and referred to House Transportation Committee, 2/14/2011

House Transportation Committee Meeting set for 3/3/2011, 9:30 a.m., Room G-50, Irvis Office Building

[HB 107](#) RE: Competitive Sealed Proposals (by Rep. George Dunbar, et al)

Amends Title 62 (Procurement) regarding the evaluation of competitive sealed proposals by providing no individual who has been employed by an offeror within the last two years may participate in the evaluation of proposals.

Reported as committed from House Appropriations 2/7/2011

Passed House, 2/8/2011 (197-0)

Received in the Senate and referred to Senate State Government Committee, 2/9/2011

[HB 108](#) RE: Public Access to Procurement Information (by Rep. Glenn Grell, et al)

Amends Title 62 (Procurement) providing for public access to procurement information by stating that if a procurement is to be made under section 513 (relating to competitive sealed proposals), 515 (relating to sole source procurement), 517 (relating to multiple awards), 518 (relating to competitive selection procedures for certain services), 519 (relating to selection procedure for insurance and notary bonds) or 905 (relating to procurement of design professional services), five business days prior to execution by the contracting official the purchasing agency shall post the proposed contract on its website. This shall not apply to a procurement under section 516 (relating to emergency procurement).

Reported as committed from House Appropriations 2/7/2011

Passed House, 2/8/2011 (197-0)

Received in the Senate and referred to Senate State Government Committee, 2/9/2011

[HB 457](#) RE: Contracting Restrictions (by Rep. Scott Petri, et al)

Amends Title 62 (Procurement) prohibiting Commonwealth agencies from awarding contracts to bidders engaged in outsourcing of jobs or functions. The bill states that no Commonwealth agency may award a contract to any bidder, offeror or other person that has had a net loss of one or more employees in the United States within the three years prior to submitting its bid or offer on the contract, which was caused by the relocation of jobs previously performed at a physical location within the boundaries of the United States to any physical location outside the boundaries of the United States.

Introduced and referred to House State Government Committee, 2/4/2011

[HB 458](#) RE: Contracting Restrictions (by Rep. Scott Petri, et al)

Amends Title 62 (Procurement) prohibiting commonwealth agencies from awarding contracts to bidders engaged in outsourcing of jobs or functions.

Introduced and referred to House State Government Committee, 2/4/2011

[HB 459](#) RE: Contracting Restrictions (by Rep. Scott Petri, et al)

Amends Title 62 (Procurement) prohibiting State agencies from awarding contracts to bidders engaged in outsourcing jobs or functions. No state agency may award a contract to any bidder, offeror or other person that has, within the three years prior to submitting its bid or offer on the contract, relocated any jobs or functions previously performed at a physical location within the boundaries of the United States to any physical location outside of the boundaries of the United States.

Introduced and referred to House State Government Committee, 2/4/2011

[HB 733](#) RE: Disadvantaged Business Certification (By Rep. Vanessa Brown, et al)

Amends Title 62 (Procurement) authorizing the Department of General Services to accept the certification granted to a disadvantaged business under the Pennsylvania Unified Certification Program as established by the department in

accordance with the federal Department of Transportation requirements. Prohibits the department from certifying or accepting the certification of any owner of a disadvantaged business who is not a United States citizen or lawful permanent resident. Requires a governmental agency to accept the certification of any disadvantaged business certified by DGS under the Unified Certification Program and authorizes each governmental agency to establish a disadvantaged business utilization program.

Introduced and referred to House State Government Committee, 2/17/2011

Competitive Bidding Thresholds Bills:

A number of bills have recently been introduced concerning competitive bidding thresholds. They are as follows:

[SB 281](#) RE: Competitive Bidding Thresholds (by Sen. John Eichelberger, et al)

[SB 282](#) RE: Competitive Bidding Thresholds (by Sen. Bob Robbins, et al)

[SB 283](#) RE: Competitive Bidding Thresholds (by Sen. Lisa Baker, et al)

[SB 284](#) RE: Competitive Bidding Thresholds (by Sen. John Eichelberger, et al)

[SB 285](#) RE: Competitive Bidding Thresholds (by Sen. Mike Folmer, et al)

[SB 286](#) RE: Competitive Bidding Thresholds (by Sen. John Gordner, et al)

[SB 287](#) RE: Competitive Bidding Thresholds (by Sen. Jim Ferlo, et al)

[SB 288](#) RE: Competitive Bidding Thresholds (by Sen. John Rafferty et al)

[SB 289](#) RE: Competitive Bidding Thresholds (by Sen. Jim Ferlo, et al)

[SB 290](#) RE: Competitive Bidding Thresholds (By Sen. Mike Brubaker, et al)

[SB 291](#) RE: Competitive Bidding Thresholds (by Sen. Jim Ferlo, et al)

[SB 344](#) RE: Public-Private Transportation Partnerships (By Sen. John Rafferty, et al)

[SB 623](#) RE: Veteran-owned Small Businesses (by Sen. Tommy Tomlinson, et al)

BUDGET/TAXES

[HB 358](#) RE: Inheritance Tax (by Rep. Rosemarie Swanger, et al)

Amends the Tax Reform Code to completely phase out the inheritance tax by 2015.

Introduced and referred to House Finance Committee, 2/1/2011

[HB 546](#) RE: Rebuild Pennsylvania Infrastructure Assistance Act (By Rep. Scott Petri, et al)

Authorizes the incurring of indebtedness, with approval of the electors by referendum, of \$400,000,000 for the acquisition, repair, construction, reconstruction, rehabilitation, extension, expansion and improvement of PA Infrastructure. The bill stipulates all bonds sold under the act are to be appropriated on a continuing basis to PENNVEST for the purpose of making loans and grants.

Introduced and referred to House Appropriations Committee, 2/8/2011

[HB 548](#) RE: Cost-Benefit Analysis in Procurement (By Rep. Scott Petri, et al)

Amends Title 62 (Procurement) requiring a cost-benefit analysis to be performed for any contract involving property, real, personal or mixed of any kind or description or any contract for personal services where the consideration involved is at least \$50,000.

Introduced and referred to House State Government Committee, 2/4/2011

LOCAL/STATE GOVERNMENT/REGULATIONS

[HB 362](#) RE: Eminent Domain Fees (by Rep. Rosemarie Swanger, et al)

Amends Title 26 (Eminent Domain), in just compensation and measure of damages, to increase from \$4,000 to \$25,000 the reimbursement of appraisal, attorney and engineering fees.

Introduced and referred to House State Government Committee, 2/1/2011

[HB 710](#) RE: Mechanics' Lien (By Rep. Bob Godshall, et al)

Amends the Mechanics' Lien Law adding language extending the right to lien to a subcontractor on real property. Provides if the contractor has been paid in full, a subcontractor may not file a claim against residential real property unless the owner provides a written waiver to the subcontractor to file a claim.

Introduced and referred to House Consumer Affairs Committee, 2/16/2011

[SB 487](#) RE: CDL License Revocations (by Sen. Rich Kasunic, et al)

Amends Title 75 (Vehicles) by adding that a person would be disqualified from driving a commercial vehicle for the first violation of any misdemeanor under 18 Pa.C.S. Ch. 39 (relating to theft and related offenses) in the commission of

which a court determines a motor vehicle was essentially involved and where the person was a commercial driver at the time the violation occurred.

Introduced and referred to Senate Transportation Committee, 2/11/2011

PREVAILING WAGE

[HB 709](#) RE: Prevailing Wage (By Rep. Warren Kampf, et al)

Amends the Pennsylvania Prevailing Wage Act further providing for definitions; and providing for school district options. The definition of the term "public body" would include any political subdivision except a school district or an authority, agency or instrumentality established by one or more school districts. The bill would also provide for school district option to be a public body.

Introduced and referred to House Labor and Industry Committee, 2/16/2011

UNEMPLOYMENT/WORKERS COMP

[HB 379](#) RE: E-Verify (By Rep. John Galloway, et al)

Amends Title 62 (Procurement), in contracts for public works, requiring verification of Social Security numbers of all employees of public works contractors contracting with the Commonwealth for purposes of wage reporting and employment eligibility. The bill prescribes penalties and establishes good faith immunity, stipulating that a contractor or subcontractor that relies in good faith on NVS and EVP procedures to verify employee SSNs shall be immune from sanctions in the event incorrect information is provided.

Introduced and referred to House State Government Committee, 2/1/2011

[HB 380](#) RE: Construction Industry Employment Verification Act (By Rep. John Galloway, et al)

Requires construction industry employers to verify the Social Security numbers of all employees for purposes of wage reporting and employment eligibility. The bill provides for powers and duties of the Department of Labor & Industry, prescribes penalties and establishes good faith immunity, stipulating that a contractor or subcontractor that relies in good faith on NVS and EVP procedures to verify employee SSNs shall be immune from sanctions in the event incorrect information is provided.

Introduced and referred to House Labor and Industry Committee, 2/1/2011

[HB 808](#) RE: WC Designated Providers (by Rep. Dave Hickernell, et al)

Amends the Workers' Compensation Act, in liability and compensation, requiring an employee to see a physician for a period of 180 days following an initial visit (increased from 90).

Introduced and referred to House Labor and Industry Committee, 2/24/2011

[SB 637](#) RE: E-Verify (By Sen. Kim Ward, et al)

Amends Title 62 (Procurement), in contracts for public works, adding a subchapter requiring verification of the employment eligibility of all employees for purposes of wage reporting and employment eligibility in certain public works projects as a precondition of being awarded a contract. The bill prescribes penalties and establishes good faith immunity under certain circumstances.

Introduced and referred to Senate State Government Committee, 2/25/2011

OTHER BILLS OF INTEREST

[HB 730](#) RE: Pennsylvania Antitrust Act (by Rep. Dom Costa, et al)

Empowers the Office of Attorney General to investigate and prosecute unreasonable restraints of trade in the Commonwealth. Provides for penalties; injunctive relief; private cause of action; exemptions; investigations; and consistency with federal law. *NOTE: PA is the ONLY state in the US that does not have a state Anti-trust law.*

Introduced and referred to House Consumer Affairs Committee, 2/16/2011

[HB 749](#) RE: Mentor-Protégé Program (By Rep. Kenyatta Johnson, et al)

Amends Title 62 (Procurement), in small and disadvantaged businesses, adding a section providing Commonwealth agencies shall adopt and institute with the Department of General Services assistance, a mentor-protégé program to assist, support and enable small businesses to successfully compete for prime and subcontract awards by partnering with large companies, which shall serve as mentors, in State contracts. Further provides the mentor-protégé arrangement between a prime contractor and a minority-owned, women-owned or disadvantaged subcontractor shall be an important factor considered or weighed by the Commonwealth agency awarding a contract. Also provides the department shall establish the appropriate and applicable guidelines and criteria for firms to participate in a mentor-protégé program.

Introduced and referred to House State Government Committee, 2/17/2011

Legislative Schedule

2011 SENATE SESSION SCHEDULE

March	1, 2, 7, 8, 9
April	5, 6, 11, 12, 13, 26, 27
May	2, 3, 4, 9, 10, 11, 23, 24
June	6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 27, 28, 29, 30

2011 HOUSE SESSION SCHEDULE

March	1, 2, 7, 8, 9
April	4, 5, 6, 11, 12, 13, 25 (NV), 26, 27
May	2, 3, 4, 9, 10, 11, 23, 24, 25
June	6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 27, 28, 29, 30

The Governor's 2011 Budget Address is scheduled for March 8, 2011. The House and Senate will then break for three weeks of budget hearings.

Copies of all bills of interest can be accessed via the Internet at:

<http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm>