

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1281 Session of 2021

INTRODUCED BY DELOZIER, JAMES AND KEEFER, APRIL 26, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 30, 2022

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 the requirements are <--
13 necessary to test or demonstrate a specific feature or to
14 provide for necessary interchangeability of parts or equipment.
15 For each part or piece of equipment, the specifications shall
16 include a listing of at least two brand names or trade names of
17 comparable quality or utility and a statement that equivalent
18 parts or equipment will be given equal consideration.: <--

1           (1) THE REQUIREMENTS ARE NECESSARY TO TEST OR  
2           DEMONSTRATE A SPECIFIC FEATURE;

3           (2) THE REQUIREMENTS ARE NECESSARY TO PROVIDE FOR  
4           INTERCHANGEABILITY OF PARTS OR EQUIPMENT;

5           (3) THE REQUIREMENTS ARE NECESSARY TO EXTEND OR MAINTAIN  
6           COMPATIBILITY WITH AN EXISTING SYSTEM OR EQUIPMENT. A  
7           CONTRACT CONTAINING REQUIREMENTS UNDER THIS PARAGRAPH SHALL  
8           INCLUDE AN EXPLANATION AS TO WHY THE EXTENSION OR  
9           COMPATIBILITY OF A SYSTEM OR EQUIPMENT REQUIRES THE  
10          SPECIFICATIONS; OR

11          (4) NO OTHER BRAND OR SOURCE EXISTS.

12          (B) EQUIVALENT PARTS OR EQUIPMENT.--FOR EACH PART OR PIECE  
13          OF EQUIPMENT, THE SPECIFICATIONS SHALL IDENTIFY THE ESSENTIAL  
14          PERFORMANCE FEATURES THAT A BRAND OR MODEL MUST HAVE IN ORDER TO  
15          BE CONSIDERED AN EQUIVALENT AND A STATEMENT THAT EQUIVALENT  
16          PARTS OR EQUIPMENT WILL BE GIVEN EQUAL CONSIDERATION.

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