
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 358 Session of
2013

INTRODUCED BY REED, MICOZZIE, GINGRICH, WHEATLEY, STEPHENS,
MARSHALL, KAUFFMAN, D. COSTA, MCGEEHAN, DAVIS, BAKER,
KNOWLES, TOEPEL, SACCONI, SWANGER, MAJOR, RAPP, R. BROWN,
PICKETT, HESS, MILLARD, SAYLOR, COHEN, BIZZARRO, KORTZ,
PASHINSKI, BENNINGHOFF, V. BROWN, BOBACK, HAHN, M. K. KELLER,
CARROLL, DEASY, C. HARRIS, EVERETT, GROVE, HARHART, HARKINS,
MILLER, SIMMONS, MURT, DENLINGER, STEVENSON, YOUNGBLOOD,
BROOKS, GOODMAN, GILLEN, SAINATO, GABLER, GRELL AND BRADFORD,
JANUARY 29, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 29, 2013

AN ACT

1 Amending Title 62 (Procurement) of the Pennsylvania Consolidated
2 Statutes, in small and disadvantaged businesses, further
3 providing for policy, for definitions, for duties of
4 department, for bonding and progress payments and for report
5 to General Assembly.

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

8 Section 1. Section 2101 of Title 62 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 2101. Policy.

11 The policy of this Commonwealth is to assist small, veteran-
12 owned and disadvantaged businesses in learning how to do
13 business with Commonwealth agencies. The department shall
14 implement this policy in accordance with regulations promulgated
15 by the department.

16 Section 2. Section 2102 of Title 62 is amended by adding

1 definitions to read:

2 § 2102. Definitions.

3 Subject to section 2103 (relating to regulations), the
4 following words and phrases when used in this chapter shall have
5 the meanings given to them in this section unless the context
6 clearly indicates otherwise:

7 * * *

8 "Veteran." An individual who performed active service in the
9 armed forces of the United States, including the reserve
10 components and the National Guard, who was discharged from the
11 active service under honorable conditions and who is domiciled
12 in this Commonwealth.

13 "Veteran-owned business." A business not less than 51% of
14 which is owned by one or more veterans, or in the case of any
15 publicly owned business, not less than 51% of the stock of which
16 is owned by one or more veterans, and the management and daily
17 business operations of which are controlled by one or more
18 veterans.

19 Section 3. Sections 2104, 2105 and 2107 of Title 62 are
20 amended to read:

21 § 2104. Duties of department.

22 The department shall have the following duties:

23 (1) Where feasible, provide appropriate staff who shall
24 be responsible to the department and who shall serve within
25 designated Commonwealth agencies to assist small, veteran-
26 owned and disadvantaged businesses in this Commonwealth in
27 learning how to do business with Commonwealth agencies.

28 (2) Give special publicity to procurement procedures and
29 issue special publications designed to assist small, veteran-
30 owned and disadvantaged businesses in learning how to do

1 business with Commonwealth agencies.

2 (3) Compile, maintain and make available source lists of
3 small, veteran-owned and disadvantaged businesses for the
4 purpose of encouraging procurement from small, veteran-owned
5 and disadvantaged businesses.

6 (4) Include small, veteran-owned and disadvantaged
7 businesses on solicitation mailing lists.

8 (5) Assure that small, veteran-owned and disadvantaged
9 businesses are solicited on each procurement for which the
10 businesses may be suited.

11 (6) Develop special training programs to assist small, veteran-owned
12 and disadvantaged businesses in learning how to
13 do business with Commonwealth agencies.

14 § 2105. Bonding and progress payments.

15 (a) Bonding.--Notwithstanding other provisions of this part,
16 a purchasing agency may reduce the level or change the types of
17 bonding normally required or accept alternative forms of
18 security to the extent reasonably necessary to encourage
19 procurement from small, veteran-owned and disadvantaged
20 businesses.

21 (b) Progress payments.--A purchasing agency may make special
22 provisions for progress payments as it deems reasonably
23 necessary to encourage procurement from small, veteran-owned and
24 disadvantaged businesses.

25 § 2107. Report to General Assembly.

26 The department shall annually, before October 1, report in
27 writing to the General Assembly concerning the awarding of
28 contracts to small, veteran-owned and disadvantaged businesses
29 during the preceding fiscal year. The report shall include a
30 list of all small, veteran-owned and disadvantaged businesses

1 that participated as contractors, subcontractors or suppliers
2 during the preceding fiscal year for contracts if the number of
3 contractors under a previously existing contract for the same
4 supply or service is reduced to a single contractor or reduced
5 by more than 50% of the number existing on September 30, 2003.
6 In preparing the report, the department shall verify whether
7 commitments made to small, veteran-owned and disadvantaged
8 businesses in the course of awarding these contracts have been
9 maintained.

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