
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1063 Session of
2015

INTRODUCED BY TEPLITZ, COSTA, SCHWANK AND WILLIAMS,
NOVEMBER 13, 2015

REFERRED TO STATE GOVERNMENT, NOVEMBER 13, 2015

AN ACT

1 Amending Title 62 (Procurement) of the Pennsylvania Consolidated
2 Statutes, in source selection and contract formation, further
3 providing for debarment or suspension.

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

6 Section 1. Section 531(b) of Title 62 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 531. Debarment or suspension.

9 * * *

10 (b) Causes for debarment or suspension.--The causes for
11 debarment or suspension include:

12 (1) Commission of embezzlement, theft, forgery, bribery,
13 falsification or destruction of records, making false
14 statements or receiving stolen property.

15 (2) Commission of fraud or a criminal offense or other
16 improper conduct or knowledge of, approval of or acquiescence
17 in such activities by a person associated with:

18 (i) obtaining;

- 1 (ii) attempting to obtain; or
2 (iii) performing a public or private contract or
3 subcontract.

4 The person's acceptance of the benefits derived from the
5 conduct shall be deemed evidence of such knowledge, approval
6 or acquiescence.

7 (3) Violation of Federal or State antitrust statutes.

8 (4) Violation of any Federal or State law regulating
9 campaign contributions.

10 (5) Violations of any Federal or State environmental
11 law.

12 (6) Violation of any Federal or State law regulating
13 hours of labor, minimum wage standards or prevailing wage
14 standards; discrimination in wages; or child labor
15 violations.

16 (7) Violation of the act of June 2, 1915 (P.L.736,
17 No.338), known as the Workers' Compensation Act.

18 (8) Violation of any Federal or State law prohibiting
19 discrimination in employment.

20 (9) Debarment of a person or an individual substantially
21 involved in the person's contracting activities, including an
22 officer, partner, controlling stockholder or principal, by
23 any agency or department of the Federal Government or by any
24 other state.

25 (10) Three or more occurrences where a person has been
26 declared ineligible for a contract.

27 (11) Unsatisfactory performance, including, but not
28 limited to, any of the following:

29 (i) Failure to comply with terms of a Commonwealth
30 agency contract or subcontract, including, but not

1 limited to: willful failure to perform in accordance with
2 the terms of one or more contracts, a history of failure
3 to perform or unsatisfactory performance of one or more
4 contracts.

5 (ii) Offering unbalanced bids.

6 (iii) Failure to complete the work in the time frame
7 specified in the contract.

8 (iv) Being declared in default on prior work or
9 project.

10 (v) Failure to submit documents, information or
11 forms as required by contract.

12 (v.1) Deliberate failure, without good cause, to
13 perform in accordance with the specifications provided in
14 a contract.

15 (v.2) Within the preceding five years, failure to
16 perform or unsatisfactory performance of one or more
17 contracts, unless the failure to perform or
18 unsatisfactory performance was due to acts beyond the
19 control of the person.

20 (vi) Making false statements or failing to provide
21 information or otherwise to cooperate with the
22 contracting agency, the Office of State Inspector General
23 or other Commonwealth authorities.

24 (vii) Discrimination in violation of laws or
25 regulations in the conduct of business as a contractor.

26 (11.1) Operating in a manner designed to evade the
27 provisions of this title.

28 (11.2) The person is a successor, assignee, subsidiary
29 or affiliate of a person debarred or suspended under this
30 section.

1 (11.3) If a person is a bidder or offeror, or an
2 officer, employee, representative, agent or consultant of a
3 bidder or offeror, knowingly:

4 (i) making an offer or promise of future employment
5 or business opportunity to, or engaging in any discussion
6 of future employment or business opportunity with, any
7 official of the purchasing agency;

8 (ii) offering, giving or promising to offer or give
9 any money, gratuity or other item of value to an official
10 of the purchasing agency; or

11 (iii) soliciting or obtaining from an officer or
12 employee of a purchasing agency conducting the
13 procurement, before the award of a contract, any
14 proprietary or source selection information regarding the
15 procurement.

16 (12) Any other act or omission indicating a lack of
17 skill, ability, capacity, quality control, business integrity
18 or business honesty that seriously and directly affects the
19 present responsibility of a person as determined by the
20 purchasing agency.

21 * * *

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