CHAPTER 67a. STEEL PRODUCTS PROCUREMENT—STATEMENT OF POLICY

Sec. 67a.1. Exempt machinery and equipment steel products.

Source

The provisions of this Chapter 67a adopted February 8, 2013, effective February 9, 2013, 43 Pa.B. 877, unless otherwise noted.

§ 67a.1. Exempt machinery and equipment steel products.

(a) The initial list of exempt steel products will be compiled by the Deputy Secretary for Public Works or a designee from waiver forms submitted and approved in the previous 2 calendar years. The list will be published in the Pennsylvania Bulletin and the public will have 30 days to submit written comments as to the domestic availability of a steel product on the list.

(b) Written comments shall be submitted in writing to the Deputy Secretary for Public Works, Department of General Services, 18th and Herr Streets, Harrisburg, Pennsylvania 17125, or submitted to ra-steel@pa.gov. The writing must be supported with a mill certification indicating that the steel was melted in the United States of America or an executed Steel Origin Certification form, found on the Department’s web site, indicating the disputed product is produced domestically.

(c) The Deputy Secretary for Public Works or a designee will review the comments and supporting evidence and may request additional information required to make a determination as to whether the product is produced domestically in sufficient quantities to meet contract requirements. If the disputed steel product is found to be produced domestically in sufficient quantities, the steel product may be removed from the list prior to publication on the Department’s publicly accessible web site.

(d) Following the 30-day public comment period and the Department of General Services’ (Department) review of disputed steel products, if any, the official annual list will be posted to the Department’s publicly accessible web site. The Department will not make changes to the official annual list for 1 year from the date of publication on the web site. The Department will solicit comments and publish an updated annual list in the Pennsylvania Bulletin in the next calendar year.

(e) For each subsequent annual list, the Department will identify specific machinery and equipment steel products that have been recognized as not being produced in the United States in sufficient quantities to meet the previous year’s contract requirements. The Department will utilize the previous annual list and add steel products from “not domestically manufactured” forms submitted and approved by the Department during the previous calendar year. The list will be published in the Pennsylvania Bulletin in the next calendar year.
published in the *Pennsylvania Bulletin* and the public will have 30 days to comment on the list. Disputed steel products will be resolved as stated in this section.

(f) The Department will update the list of exempt steel products on or about January 31st of each calendar year.

(g) Contractors, subcontractors, suppliers, bidders, offerors and public agencies may rely on the list of exempt steel products in preparing bids and contracts for any project that is subject to the Steel Products Procurement Act (73 P. S. §§ 1881—1887).

(h) Chapter 5, Subchapter A of 2 Pa.C.S. (relating to practice and procedure of Commonwealth agencies) does not apply to this chapter.