

STATE SENATOR  
**JANE CLARE ORIE**  
40TH SENATORIAL DISTRICT

SENATE BOX 203040  
ROOM 171, THE STATE CAPITOL  
HARRISBURG, PA 17120-3040  
717-787-6538 • FAX: 717-787-8625  
E-MAIL: jorie@psen.gov  
WEBSITE: www.senatororie.com

LA CASA BLANCA BUILDING  
9400 MCKNIGHT ROAD, SUITE 105  
PITTSBURGH, PA 15237  
412-630-9466 • FAX: 412-635-2199

2525 ROCHESTER ROAD, SUITE 207  
CRANBERRY TOWNSHIP, PA 16066  
724-776-3500 • FAX: 724-776-3582

Office of the Majority Whip



Senate of Pennsylvania

**COMMITTEES**

RULES AND EXECUTIVE NOMINATIONS,  
VICE CHAIR  
COMMUNITY, ECONOMIC AND RECREATIONAL  
DEVELOPMENT  
AGING AND YOUTH  
PUBLIC HEALTH AND WELFARE, VICE CHAIR  
JUDICIARY  
POLICY  
JOINT HOUSE AND SENATE AUTISM  
COMMITTEE, CHAIR  
LUPUS CHAIR  
CHILDREN'S TRUST FUND BOARD  
WOMEN IN GOVERNMENT BOARD  
WORKING FAMILIES TASK FORCE  
AMERICAN-ITALIAN CAUCUS  
ARTHRITIS AND OSTEOPOROSIS CAUCUS  
FIREFIGHTER AND EMERGENCY SERVICES  
CAUCUS  
IRISH CAUCUS  
PENNSYLVANIA COMMISSION  
ON CRIME AND DELINQUENCY

**MEMO #3 - Revised**

**TO: ALL SENATORS**

**FROM: Senator Jane C. Orie** *JCO*

**DATE: February 23, 2009**

**RE: Re-introduction of "Pinstripe Patronage" – "Pay to Play"**

Back in December I sent out a co-sponsorship memo with my intention to re-introduce legislation dealing with the practice of "Pinstripe Patronage", also referred to "Pay to Play".

Since my original memo I have worked closely with Senator Dominic Pileggi, Majority Leader, to further expand the proposal to require broader disclosure of political contributions and an expanded process to address no-bid professional service contracts.

The proposal will include the following amendments to the procurement code:

- Prohibiting the Attorney General from delegating its responsibility for form and legality review pursuant to the Commonwealth Attorneys Act.
- Requiring the Attorney General to review each contract for legality under the State Adverse Interest Act.
- Eliminating sole source contracting for investment advisors or managers and financial or investment experts.
- Requiring all determinations to authorize sole source procurement to be available for public inspection.
- Requiring the disclosure and posting of all political campaign contributions for the previous 5 years by bidders on contracts totaling \$25,000 or more and provides for penalties for failure to report. This would include affiliates of the bidder, individuals who have greater than 5% financial interest in the entity, executive level employees, and spouse and minor children.
- Creating "most qualified bidder" open bid procurement process for professional services over \$25,000, including non-litigation legal services, management consulting

services, financial or investment managers, and other consulting services. These requirements apply to all state agencies including the General Assembly and the Judiciary (unless the courts adopt a rule to provide for the review of contracts with the judiciary – which is the same manner the Judicial branch was addressed under “Right-To-Know”).

- For professional services a state-agency shall:
  - Adopt procedures to determine the most qualified bidder for professional services.
  - Advertise the services being sought and specifications, procedures and requirements to be followed, and factors that will be used in scoring.
  - Select a “Qualified Evaluation Committee” made up of state-agency employees to score the proposals submitted. Requires DGS to promulgate regulations to establish ethical standards relating to conflict of interest for those serving on the committee and precluding former state employees from being involved in the contracting process on behalf of entity bidding for the contract.
  - Provide written notice of the award of the contract and a statement that sets forth the basis for the award, which shall be posted on the state-agency website 10 days prior to execution of the contract.
  - Provide public access to all non-proprietary information included in applications and disclosure forms.
  - Require disclosure and justification of an amendment to a contract in excess of 10% or \$10,000 (whichever is greater) over the contract price.
  - Award professional service contracts based upon a scoring system which does improperly steer a contract to a particular bidder.
- A state-agency may negotiate with one or more bidder relating to the terms and price of a professional service contract prior to the final award of the contract.
- Each state-agency shall create a registry of qualified individuals and firms to provide professional services which will not exceed \$25,000.

If you are interested in co-sponsoring this updated reform measure, please contact Lynda James at 787-6538 or by email at [ljames@pasen.gov](mailto:ljames@pasen.gov).

JCO/mas