

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### **Reorganization of the Department of Conservation and Natural Resources**

The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective January 28, 2013.

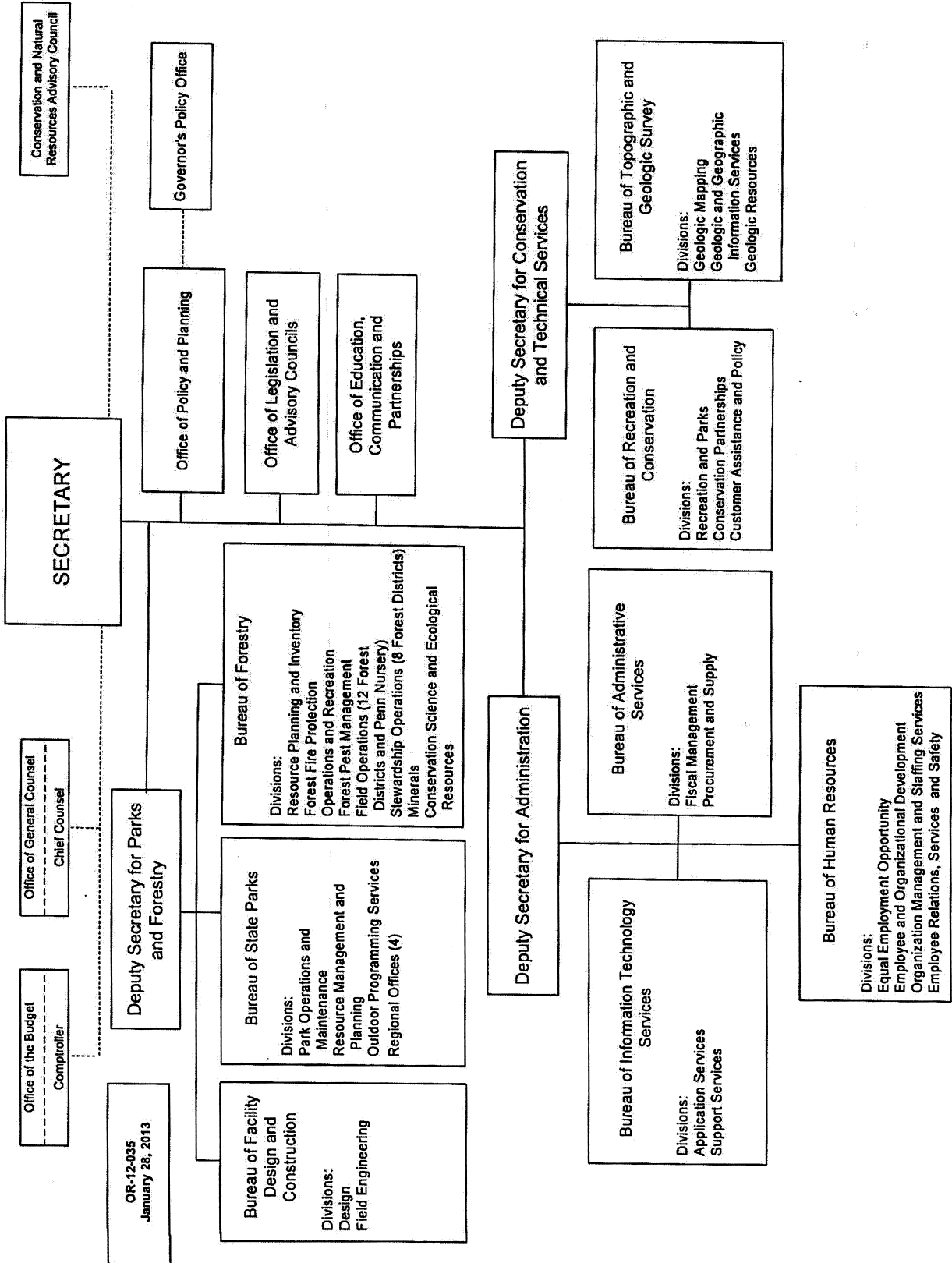
The organization chart at 43 Pa.B. 876 February 9, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 13-233. Filed for public inspection February 8, 2013, 9:00 a.m.]

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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES



## DEPARTMENT OF GENERAL SERVICES

## [ 4 PA. CODE CH. 67a ]

## Steel Products Procurement

The Department of General Services (Department) adopts a statement of policy in Chapter 67a (relating to steel products procurement—statement of policy) to read as set forth in Annex A. Chapter 67a implements the act of October 24 (P. L. 1284, No. 159) (Act 159), which amended section 4 of the Steel Products Procurement Act (act) (73 P. S. § 1884(b)).

*Background*

The act requires that every public agency require every contract document for the construction, reconstruction, alteration, repair, improvement or maintenance of public works contain a provision that, if steel products are to be used or supplied in the performance of the contract, only steel products as defined by the act shall be used or supplied in the performance of a contract or subcontracts thereunder. Section 6 of the act (73 P. S. § 1886) defines a “steel product” as:

Products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated or otherwise similarly processed, or processed by a combination of two or more of such operations, from steel made in the United States by the open hearth, basic oxygen, electric furnace, Bessemer or other steel making process and shall include cast iron products and shall include machinery and equipment listed in United States Department of Commerce Standard Industrial Classification 25 (furniture and fixture), 35 (machinery, except electrical) and 37 (transportation equipment) and made of, fabricated from, or containing steel components. . . .

However, this section does not apply when the head of the public agency, in writing, determines that steel products are not produced in the United States in sufficient quantities to meet the requirements of the contract. Act 159 expands upon this exception by eliminating the need for the written determination if a steel product that is not produced domestically in sufficient quantities to meet contract requirements is identified on a preapproved list created by the Department. The contractor is not required to complete a waiver form if the steel product to be utilized on the project is on the list of exempt machinery and equipment steel products. Act 159 charges the Department with creating a list of exempt machinery and equipment steel products that have been identified by the Department as not domestically produced in sufficient quantities to meet contract requirements. If the product is identified on the list, it is exempt from the act.

*Purpose*

Chapter 67a outlines the procedure for creating the list of exempt products and establishes a procedure for resolving disputes regarding steel products on the list. The Department does not intend to give the policies or procedures the weight or deference of adjudications or regulations.

*Fiscal Impact*

The implementation of this statement of policy does not present significant fiscal impact to the Department.

*Effective Date*

This statement of policy shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

*Contact Person*

Specific questions relating to information provided in this statement of policy may be directed to the Department of General Services, Office of Chief Counsel, 603 North Office Building, Harrisburg, PA 17125.

SHERI PHILLIPS,  
*Secretary*

*(Editor’s Note:* For a notice relating to this statement of policy, see 43 Pa.B. 940 (February 9, 2013).)

*(Editor’s Note:* Title 4 of the *Pennsylvania Code* is amended by adding a statement of policy in § 67a.1 to read as set forth in Annex A.)

**Fiscal Note:** 8-18. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 4. ADMINISTRATION

## PART III. DEPARTMENT OF GENERAL SERVICES

## Subpart C. CONSTRUCTION AND PROCUREMENT

## ARTICLE II. CONSTRUCTION

CHAPTER 67a. STEEL PRODUCTS  
PROCUREMENT—STATEMENT OF POLICY

Sec.

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

**§ 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](mailto: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* 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.

[Pa.B. Doc. No. 13-234. Filed for public inspection February 8, 2013, 9:00 a.m.]

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

#### [ 55 PA. CODE CH. 51 ]

#### Participant Rights

##### *Scope*

This statement of policy applies to individuals and families, Administrative Entity (AE) administrators or directors, County Mental Health/Intellectual Disability Program (MH/ID) administrators and directors, supports coordination organization (SCO) directors and providers of waiver services.

##### *Purpose*

The purpose of this statement of policy is to establish participant rights under § 51.17(b) (relating to incident management).

##### *Discussion*

Chapter 51 (relating to Office of Developmental Programs home and community-based services) provides the requirements for providers in the Adult Autism, Consolidated and Person Family Directed Supports waivers. Section 51.17(b) provides that a provider shall take prompt action to protect participant health, safety and rights and that the Department will establish participant rights by Departmental guidelines. This statement of policy establishes these rights.

##### *Effective Date*

This statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

##### *Contact Person*

Questions should be directed to the regional program manager at the appropriate regional Office of Developmental Programs (ODP) as follows. Copies of this statement of policy may be obtained at the local MH/ID County Program, AE or regional ODP in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144

- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749

- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245

- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

GARY D. ALEXANDER,  
*Secretary*

(*Editor's Note:* Title 55 of the *Pennsylvania Code* is amended by adding a statement of policy in § 51.17a to read as set forth in Annex A.)

**Fiscal Note:** 14-BUL-100. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 55. PUBLIC WELFARE

##### PART I. DEPARTMENT OF PUBLIC WELFARE

##### Subpart E. HOME AND COMMUNITY-BASED SERVICES

##### CHAPTER 51. OFFICE OF DEVELOPMENTAL PROGRAMS HOME AND COMMUNITY-BASED SERVICES

##### Subchapter B. PROVIDER QUALIFICATIONS AND PARTICIPATION

##### § 51.17a. Participant rights—statement of policy.

The following are the participant rights under § 51.17(b) (relating to incident management):

(1) A participant shall be treated with dignity and respect.

(2) A participant may not be discriminated against because of ethnicity, religious affiliation, disability, ancestry, national origin, age, gender or sexual orientation nor be deprived of civil or legal rights.

(3) A participant has the right to be free from abuse, neglect and exploitation and has the right to report abuse, neglect or exploitation.

(4) A participant has the right to voice complaints or concerns about treatment or services.

[Pa.B. Doc. No. 13-235. Filed for public inspection February 8, 2013, 9:00 a.m.]

## Title 101—GENERAL ASSEMBLY

### LOCAL GOVERNMENT COMMISSION

#### [ 101 PA. CODE CH. 303 ]

#### Right-to-Know Law; Amendments

The Local Government Commission (Commission) amends § 303.18(c) (relating to fee schedule) to read as set forth in Annex A. The purpose of this statement of policy is to clarify the fee procedures applicable to a large or complex "legislative record" as defined in section 102 of the Right-to-Know Law (65 P. S. § 102).

*Effective Date*

This statement of policy is effective upon publication.

MICHAEL P. GASBARRE,  
*Director*

(*Editor's Note:* Title 101 of the *Pennsylvania Code* is amended by amending the statement of policy in § 303.18 to read as set forth in Annex A.)

**Annex A****TITLE 101. GENERAL ASSEMBLY****PART III. LOCAL GOVERNMENT COMMISSION****CHAPTER 303. RIGHT-TO-KNOW LAW—  
STATEMENT OF POLICY****Subchapter B. OPEN RECORDS PROCEDURES OF  
THE COMMISSION****§ 303.18. Fee schedule.**

(a) *General rule.* Except as set forth in subsection (b), the following apply:

- (1) The fee for providing a document is 25¢ per page.
- (2) The fee for postage will not exceed actual mailing costs.
- (3) The fee for certifying a document is \$5 per document, regardless of the number of pages. Each document requires separate certification and fee.
- (4) The fee for redaction of a document is \$1 per page.
- (5) The fee for electronic media such as a diskette or compact disc shall be \$1 per diskette or disc.

(b) *Exception.* The Executive Director of the Commission reserves the right to waive a duplication fee if the total amount due under this section does not exceed \$5.

(c) *Payment.*

(1) In accordance with paragraphs (2) and (3), payment arrangements shall be made between the requester and the open-records officer.

(2) If the actual fee is expected to exceed \$100, payment of an estimated fee under section 1307(h) of the law (65 P. S. § 67.1307(h)) shall be made prior to the initiation of providing of the document. If payment under this paragraph is required, a check, certified check or money order must be made payable to "Local Government Commission" in the amount of the estimated fee.

(3) Payment of the actual fee shall be made prior to providing the document. In the event that the amount of the prepayment of an estimated fee required under paragraph (2) exceeds the amount of actual fees required to provide the document, the Commission will refund the difference between estimated fees paid and actual fees, along with an accounting of actual fees incurred, within 45 days of providing the document.

(4) If a check provided for the payment of estimated or actual fees fails to clear due to insufficient funds, additional fees incurred by the Commission will be added to the total amount due under this section.

[Pa.B. Doc. No. 13-236. Filed for public inspection February 8, 2013, 9:00 a.m.]