

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 2351

Session of  
1978

INTRODUCED BY MESSRS. IRVIS AND MEBUS, APRIL 11, 1978

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 22, 1978

## AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," increasing the amount of work of any  
6 nature which can be performed on property owned by any school  
7 district without advertising and without competitive bids AND <—  
8 FURTHER PROVIDING FOR CONTRACTS.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 751, act of March 10, 1949 (P.L.30,  
12 No.14), known as the "Public School Code of 1949," amended July  
13 22, 1970 (P.L.541, No.184), is amended to read:

14 Section 751. Work to be Done Under Contract Let on Bids;  
15 Exception.--(a) All construction, reconstruction, repairs, or  
16 work of any nature, including the introduction of plumbing,  
17 heating and ventilating, or lighting systems, upon any school  
18 building or upon any school property, made by any school  
19 district, where the entire cost, value, or amount of such  
20 construction, reconstruction, repairs, or work, including labor  
21 and material, shall exceed [one thousand five hundred dollars

1 (\$1500)] ~~five thousand dollars (\$5,000)~~, TWO THOUSAND FIVE  
2 HUNDRED DOLLARS (\$2,500), shall be done under separate contracts  
3 to be entered into by such school district with the lowest  
4 responsible bidder, upon proper terms, after due public notice  
5 has been given asking for competitive bids. Whenever a board of  
6 school directors shall approve the use of a prefabricated unit,  
7 complete in itself, for a school building or other proper  
8 structure to be erected upon school property, the board of  
9 school directors may have prepared appropriate specifications  
10 detailing the size and material desired in a particular  
11 prefabricated unit, including all utilities such as plumbing,  
12 heating and ventilating, and electrical work, and may advertise  
13 for a single bid on all the work and award the contract therefor  
14 to the lowest responsible bidder: Provided, That if due to an  
15 emergency a school plant or any part thereof becomes unusable  
16 competitive bids for repairs or replacement may be solicited  
17 from at least three responsible bidders, and upon the approval  
18 of any of these bids by the [State Superintendent of Public  
19 Instruction] Secretary of Education, the board of school  
20 directors may proceed at once to make the necessary repairs or  
21 replacements in accordance with the terms of said approved bid  
22 or bids.

23 (b) The board of school directors in any school district  
24 either may perform any construction, reconstruction, repairs, or  
25 work of any nature, where the entire cost or value, including  
26 labor and material, is less than five thousand dollars (\$5000),  
27 by its own maintenance personnel, or may have any such  
28 construction, reconstruction, repairs, or work performed by  
29 contract after soliciting bids from at least three responsible  
30 bidders: Provided, That the board of school directors in any

1 school district may authorize the secretary of the board or  
2 other executive to award contracts for construction,  
3 reconstruction, repairs, or work of any nature, where the entire  
4 cost or value, including labor and material, is [one thousand  
5 five hundred dollars (\$1500)] ~~five thousand dollars (\$5,000)~~ TWO <—  
6 THOUSAND FIVE HUNDRED DOLLARS (\$2,500) or less, without  
7 soliciting competitive bids.

8 (C) EVERY CONTRACT FOR THE CONSTRUCTION, RECONSTRUCTION, <—  
9 REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS SHALL CONTAIN  
10 A PROVISION THAT ANY STEEL PRODUCTS USED OR SUPPLIED IN THE  
11 PERFORMANCE OF THE CONTRACT OR ANY SUBCONTRACTS THEREUNDER SHALL  
12 BE FROM STEEL MADE IN THE UNITED STATES.

13 Section 2. Section 807.1 of the act, amended February 25,  
14 1972 (P.L.81, No.28), is amended to read:

15 Section 807.1. Purchase of Supplies.--All furniture,  
16 equipment, textbooks, school supplies and other appliances for  
17 the use of the public schools, costing [fifteen hundred dollars  
18 (\$1,500)] ~~five thousand dollars (\$5,000)~~ TWO THOUSAND FIVE <—  
19 HUNDRED DOLLARS (\$2,500) or more shall be purchased by the board  
20 of school directors only after due advertisement as hereinafter  
21 provided. Supplies costing [fifteen hundred dollars (\$1,500)]  
22 five thousand dollars (\$5,000) TWO THOUSAND FIVE HUNDRED DOLLARS <—  
23 (\$2,500) or more shall be purchased by the board of school  
24 directors only after public notice has been given by  
25 advertisement once a week for three (3) weeks in not less than  
26 two (2) newspapers of general circulation. In any district where  
27 no newspaper is published, said notice may, in lieu of such  
28 publication, be posted in at least five (5) public places.

29 The board of school directors shall accept the bid of the  
30 lowest responsible bidder, kind, quality, and material being

1 equal, but shall have the right to reject any and all bids, or  
2 select a single item from any bid. The board of school directors  
3 in any district may authorize or appoint the secretary of the  
4 board or other executive as purchasing agent for the district,  
5 with authority to purchase supplies costing less than [fifteen  
6 hundred dollars (\$1,500).] ~~five thousand dollars (\$5,000).~~ TWO <—  
7 THOUSAND FIVE HUNDRED DOLLARS (\$2,500).

8 The following shall be exempt from the above provisions:  
9 maps, music, globes, charts, educational films, filmstrips,  
10 prepared transparencies and slides, pre-recorded magnetic tapes  
11 and disc recordings, textbooks, games, toys, prepared kits,  
12 flannel board materials, flash cards, models, projectuals and  
13 teacher demonstration devices necessary for school use.

14 SECTION 3. THE PROVISIONS OF THIS ACT SHALL BE CONSTRUED IN <—  
15 A MANNER CONSISTENT WITH THE ACT OF MARCH 3, 1978 (NO.3), KNOWN  
16 AS THE "STEEL PRODUCTS PROCUREMENT ACT."

17 Section ~~3-~~ 4. This act shall take effect in 60 days. <—