

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2990 Session of
1992

INTRODUCED BY CARONE, BATTISTO, BILLOW, KOSINSKI, ROBINSON,
TRELLO, WILLIAMS, LAWLESS, NYCE AND SCHULER,
NOVEMBER 16, 1992

REFERRED TO COMMITTEE ON EDUCATION, NOVEMBER 16, 1992

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," further providing for bidding on
6 public works; and making repeals.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 751.1 of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949, added
11 October 10, 1980 (P.L.924, No.159), is amended to read:

12 Section 751.1. Architects and Engineers Employed Prohibited
13 From Bidding on Public Works; Penalty.--(a) It shall be
14 unlawful for any architect or engineer, in the employ of any
15 school district, and engaged in the preparation of plans,
16 specifications or estimates, to bid or negotiate on any public
17 work at any letting of such work by the school district, except
18 that any such architect or engineer who shall have prepared
19 preliminary plans only shall not be prohibited from bidding or

1 negotiating on the final contract for such work.

2 **(b)** It shall be unlawful for the officers of school
3 districts charged with the duty of letting any public work, to
4 award a contract to any such architect or engineer, in the
5 employ of the school district who is in any way interested in
6 any contract for public work for the school district or for any
7 such architect or engineer to receive any remuneration or
8 gratuity from any person interested in such contract except
9 under the terms and conditions as provided in section 751 (e).

10 **(c)** It shall be unlawful for any architect or engineer in
11 the employ of any school district and engaged in the preparation
12 of plans, specifications or estimates to bid or negotiate for
13 any other position required to complete said construction
14 project. Neither shall any contracts for any part of the
15 construction project be awarded to any architectural,
16 engineering, general contracting or project management firm in
17 which a family member of any architect or engineer in the employ
18 of the school district has a controlling interest.

19 **(d)** Any person violating any of the provisions of this
20 section shall forfeit his office, and shall be guilty of a
21 misdemeanor, and on conviction thereof, shall be sentenced to
22 pay a fine not exceeding five hundred dollars (\$500), or to
23 undergo imprisonment for not more than six months, or both.

24 Section 2. All acts and parts of acts, with respect to the
25 separation of construction specifications, construction bids or
26 construction contracts, are repealed to the extent that they are
27 inconsistent with this act.

28 Section 3. All additional and otherwise applicable statutory
29 provisions relating to projects of public work, public
30 construction, school construction or public buildings shall

1 apply to projects undertaken pursuant to this act, except to the
2 extent to which this act is specifically inconsistent.
3 Section 4. This act shall take effect immediately.