

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 743 Session of 2013

INTRODUCED BY ALLOWAY, SCHWANK, MENSCH, WAUGH, WHITE, BROWNE,
BAKER AND EICHELBERGER, MARCH 26, 2013

REFERRED TO EDUCATION, MARCH 26, 2013

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," in grounds and buildings, further
6 providing for work to be done under contract let on bids and
7 exception.

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

10 Section 1. Section 751 of the act of March 10, 1949 (P.L.30,
11 No.14), known as the Public School Code of 1949, is amended by
12 adding a subsection to read:

13 Section 751. Work to be Done Under Contract Let on Bids;
14 Exception.--

15 * * *

16 (a.4) Notwithstanding the separate specification provisions
17 of subsection (a.2), a school district may elect to enter into a
18 design/build contract for all construction, reconstruction,
19 repairs, maintenance or work of any nature as follows:

20 (1) If a school district elects to use a design/build

contract, the board of school directors shall adopt a resolution that the use of the contract is the most efficient, economical and timely method to proceed with a project.

(2) Upon adoption of a resolution under paragraph (1), the school district shall request written proposals from design/build entities. In its request for proposals, the school district shall include such terms, conditions and requirements as it deems necessary to protect the school district and the interests of the public.

(3) In reviewing and evaluating the proposals for a design/build project, the school district shall, in addition to confirming the design/build entities' compliance with the terms, conditions and requirements of the request for proposals, consider the following criteria:

(i) the cost of the project;

(ii) the experience of the design/build entity; and

(iii) adherence to the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."

(4) After due consideration of proposals under the criteria described in this subsection, the school district may, in its discretion, select a proposal and award a contract to a responsible design/build entity.

(5) Any contract awarded under this subsection shall be exempt from the act of May 1, 1913 (P.L.155, No.104), referred to as the Separations Act, or from any subsequent enactment or reenactment of substantially similar separate bid specification requirements.

(6) As used in this subsection, the following words and phrases shall have the meanings given to them in this subsection:

1 "Design/build" shall mean a project delivery method whereby a
2 design/build entity signs a single contract to provide a
3 combination of architectural and construction services to a
4 school district.

5 "Design/build entity" shall mean a firm, organization or
6 company, or a combination of firms, organizations or companies
7 acting as a partnership, joint venture, consortium or similar
8 joint relationship, with sufficient knowledge, expertise and
9 experience in providing by single contract to a school district
10 a combination of architectural and construction services.

11 * * *

12 Section 2. This act shall take effect in 60 days.