

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2090 Session of
2011

INTRODUCED BY WHEATLEY, V. BROWN, BROWNLEE, CALTAGIRONE,
HORNAMAN, PARKER, PAYTON AND PRESTON, DECEMBER 16, 2011

REFERRED TO COMMITTEE ON EDUCATION, DECEMBER 16, 2011

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," providing for contracts to promote
6 participation.

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

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

12 Section 2003-A.2. Contracts to Promote Participation.--(a)
13 The system shall develop, adopt and implement binding policies
14 or guidelines to ensure that all persons are accorded equal
15 opportunity in contracting and subcontracting associated with
16 construction, repair, renovation and maintenance projects,
17 including all aspects of project management, design and
18 construction and legal and administrative services necessary to
19 the completion of a project.

20 (b) Every contract for or on behalf of the system for a

construction, repair, renovation and maintenance project shall
contain provisions by which the contractor agrees to promote,
increase and sustain contracting and subcontracting
opportunities for disadvantaged businesses.

(c) This section shall apply to:

(1) Any contract which is subject to competitive bidding.

(2) All system contractors, subcontractors, assignees,
lessees, agents, vendors and suppliers.

(3) Any disadvantaged business.

(d) The system may use the lists of certified minority-
owned, women-owned and veteran-owned business enterprises which
have been certified under the Department of General Services'
disadvantaged business program to compete for and participate in
the system's contracting process. The Department of General
Services shall cooperate with and assist the system in carrying
out the requirements of this subsection.

(e) For the purpose of this section, the following words and
phrases shall have the meaning given to them in this subsection
unless the context clearly indicates otherwise:

"Disadvantaged business." A small business which is owned or
controlled by a majority of persons, not limited to members of
minority groups, who:

(1) have been deprived of the opportunity to develop and
maintain a competitive position in the economy because of social
disadvantages; or

(2) are veterans, including service-disabled veterans.

"Service-disabled veteran." A veteran who possesses either
an adjudication letter from the Department of Veterans Affairs
establishing a service-connected disability rating or a
disability determination from the Department of Defense.

1 "Small business." The term shall have the meaning given to
2 it in 62 Pa.C.S. § 2102 (relating to definitions).

3 "Veteran." An individual who:

4 (1) served in the active United States military in any of
5 the four current branches and all previous branches, including a
6 reserve component or the National Guard;

7 (2) was released or discharged from active military service
8 under conditions other than dishonorable; and

9 (3) possesses a certificate of release or discharge from
10 active duty.

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