
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1364 Session of
2017

INTRODUCED BY JAMES, HARPER, KAMPF, FREEMAN AND DALEY,
MAY 9, 2017

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 9, 2017

AN ACT

1 Amending the act of October 27, 1979 (P.L.241, No.78), entitled
2 "An act authorizing political subdivisions, municipality
3 authorities and transportation authorities to enter into
4 contracts for the purchase of goods and the sale of real and
5 personal property where no bids are received," further
6 providing for title of the act; adding a short title; and
7 providing for contracts for services.

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

10 Section 1. The title of the act of October 27, 1979
11 (P.L.241, No.78), entitled "An act authorizing political
12 subdivisions, municipality authorities and transportation
13 authorities to enter into contracts for the purchase of goods
14 and the sale of real and personal property where no bids are
15 received," is amended to read:

16 AN ACT

17 Authorizing political subdivisions, municipality authorities and
18 transportation authorities to enter into contracts for
19 services, the purchase of goods and the sale of real and
20 personal property where no bids are received.

21 Section 2. The act is amended by adding a section to read:

1 Section 1. Short title.

2 This act shall be known and may be cited as the Public
3 Contract Bid Nonreceipt Act.

4 Section 3. Section 1 of the act is renumbered and amended by
5 adding subsections to read:

6 Section [1] 1.1. Nonreceipt of bids.

7 * * *

8 (c) Contracts for services.--When a political subdivision,
9 municipality authority or transportation authority is required
10 to advertise for bids in order to enter into a contract for
11 services and no bids are received, the political subdivision,
12 municipality authority or transportation authority may proceed
13 as follows:

14 (1) The political subdivision, municipality authority or
15 transportation authority may advertise for bids a second
16 time.

17 (2) If no bids are received within 15 days of the second
18 advertisement, the political subdivision, municipality
19 authority or transportation authority may initiate
20 negotiations for a contract to obtain the services previously
21 advertised, with any provider not otherwise disqualified by
22 law or an enactment or policy of the governing body.

23 (3) Prior to executing the contract, the political
24 subdivision, municipality authority or transportation
25 authority, at a regular or special meeting of its governing
26 body, must publicly announce the identity of the parties, the
27 proposed contract price and a summary of the other terms and
28 conditions relating to any proposed contract in order to
29 demonstrate that the services to be procured are consistent
30 with those previously advertised.

1 (d) Evasion.--The penalties, civil or criminal, surcharges
2 and other liability set forth in law, regulation or ordinance
3 for evading an advertising requirement for bids shall apply to a
4 member of the governing body of a political subdivision,
5 municipality authority or transportation authority who votes for
6 a transaction under this section with the intent to evade the
7 advertising requirement of the applicable law, regulation or
8 ordinance.

9 (e) Definition.--As used in this section, the term
10 "services" means the furnishing of labor, time or effort by a
11 contractor not involving the delivery of a specific end product
12 other than drawings, specifications or reports which are merely
13 incidental to the required performance. The term includes the
14 routine operation or maintenance of existing structures,
15 buildings or real property, the repair or rehabilitation of
16 existing infrastructure and utility services, or those services
17 formerly provided by public utilities, such as electrical,
18 telephone, water and sewage service. The term does not include
19 employment agreements or collective bargaining agreements.

20 Section 4. This act shall take effect in 60 days.