

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1635 Session of  
1981

INTRODUCED BY MACKOWSKI, COSLETT, PHILLIPS, TELEK, LEHR,  
STEVENS, LEVI, A. C. FOSTER, JR., PETERSON, WASS, MADIGAN,  
BOWSER, MCINTYRE, CALTAGIRONE, E. H. SMITH AND SNYDER,  
JUNE 16, 1981

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 16, 1981

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. Subsections (a) and (b) of section 751, act of  
12 March 10, 1949 (P.L.30, No.14), known as the "Public School Code  
13 of 1949," amended July 13, 1979 (P.L.94, No.41), are amended to  
14 read:

15 Section 751. Work to be Done Under Contract Let on Bids;  
16 Exception.--(a) All construction, reconstruction, repairs,  
17 maintenance or work of any nature, including the introduction of  
18 plumbing, heating and ventilating, or lighting systems, upon any  
19 school building or upon any school property, or upon any  
20 building or portion of a building leased under the provisions of

1 section 703.1, made by any school district, where the entire  
2 cost, value, or amount of such construction, reconstruction,  
3 repairs, maintenance or work, including labor and material,  
4 shall exceed [two thousand five hundred dollars (\$2,500)] four  
5 thousand dollars (\$4,000), shall be done under separate  
6 contracts to be entered into by such school district with the  
7 lowest responsible bidder, upon proper terms, after due public  
8 notice has been given asking for competitive bids. Whenever a  
9 board of school directors shall approve the use of a  
10 prefabricated unit, complete in itself, for a school building or  
11 other proper structure to be erected upon school property, the  
12 board of school directors may have prepared appropriate  
13 specifications detailing the size and material desired in a  
14 particular prefabricated unit, including all utilities such as  
15 plumbing, heating and ventilating, and electrical work, and may  
16 advertise for a single bid on all the work and award the  
17 contract therefor to the lowest responsible bidder: Provided,  
18 That if due to an emergency a school plant or any part thereof  
19 becomes unusable competitive bids for repairs or replacement may  
20 be solicited from at least three responsible bidders, and upon  
21 the approval of any of these bids by the Secretary of Education,  
22 the board of school directors may proceed at once to make the  
23 necessary repairs or replacements in accordance with the terms  
24 of said approved bid or bids.

25 (b) The board of school directors in any school district  
26 either may perform any construction, reconstruction, repairs, or  
27 work of any nature, where the entire cost or value, including  
28 labor and material, is less than five thousand dollars (\$5000),  
29 by its own maintenance personnel, or may have any such  
30 construction, reconstruction, repairs, or work performed by

1 contract after soliciting bids from at least three responsible  
2 bidders: Provided, That the board of school directors in any  
3 school district may authorize the secretary of the board or  
4 other executive to award contracts for construction,  
5 reconstruction, repairs, or work of any nature, where the entire  
6 cost or value, including labor and material, is [two thousand  
7 five hundred dollars (\$2,500)] four thousand dollars (\$4,000) or  
8 less, without soliciting competitive bids.

9 \* \* \*

10 Section 2. Section 807.1 of the act, amended October 4, 1978  
11 (P.L.1040, No.236), is amended to read:

12 Section 807.1. Purchase of Supplies.--All furniture,  
13 equipment, textbooks, school supplies and other appliances for  
14 the use of the public schools, costing [two thousand five  
15 hundred dollars (\$2,500)] four thousand dollars (\$4,000) or more  
16 shall be purchased by the board of school directors only after  
17 due advertisement as hereinafter provided. Supplies costing [two  
18 thousand five hundred dollars (\$2,500)] four thousand dollars  
19 (\$4,000) or more shall be purchased by the board of school  
20 directors only after public notice has been given by  
21 advertisement once a week for three (3) weeks in not less than  
22 two (2) newspapers of general circulation. In any district where  
23 no newspaper is published, said notice may, in lieu of such  
24 publication, be posted in at least five (5) public places.

25 The board of school directors shall accept the bid of the  
26 lowest responsible bidder, kind, quality, and material being  
27 equal, but shall have the right to reject any and all bids, or  
28 select a single item from any bid. The board of school directors  
29 in any district may authorize or appoint the secretary of the  
30 board or other executive as purchasing agent for the district,

1 with authority to purchase supplies costing less than [two  
2 thousand five hundred dollars (\$2,500)] four thousand dollars  
3 (\$4,000).

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

10 Section 3. This act shall take effect in 60 days.