

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1758 Session of  
1995

INTRODUCED BY DERMODY, LEVDANSKY, BELARDI, GIGLIOTTI, PESCI,  
TRELLO, MELIO, VAN HORNE, WALKO, MICHLOVIC, D. R. WRIGHT,  
YOUNGBLOOD, PRESTON, ITKIN, PISTELLA, CARONE, STEELMAN AND  
SERAFINI, JUNE 15, 1995

REFERRED TO COMMITTEE ON EDUCATION, JUNE 15, 1995

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 bidding conflict of  
6 interest.

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.--It shall be unlawful for  
14 any architect or engineer, in the employ of any school district,  
15 and engaged in the preparation of plans, specifications or  
16 estimates, to bid or negotiate on any public work at any letting  
17 of such work by the school district, except that any such  
18 architect or engineer who shall have prepared preliminary plans  
19 only shall not be prohibited from bidding or negotiating on the

1 final contract for such work.

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

10 It shall be unlawful for any architect or engineer in the  
11 employ of any school district and engaged in the preparation of  
12 plans and specifications for a specific project in the district  
13 to bid or negotiate for any other position required to complete  
14 the construction of that project. This prohibition likewise  
15 applies to any firm or individual that would have a conflict of  
16 interest because of a subsidiary relationship with the above-  
17 named firm either through agreement or controlling interest.

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

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