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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1216 Session of  
2019

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INTRODUCED BY TOPPER, BERNSTINE, BOBACK, DOWLING, KAUFFMAN,  
KEEFER, MASSER, MILLARD, PICKETT, ZIMMERMAN AND MOUL,  
APRIL 15, 2019

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 15, 2019

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AN ACT

1 Amending Title 62 (Procurement) of the Pennsylvania Consolidated  
2 Statutes, in intergovernmental relations, prohibiting school  
3 districts from participating in, sponsoring, conducting or  
4 administering a cooperative purchasing agreement for the  
5 procurement of roof construction.

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

8 Section 1. Section 1902 of Title 62 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 § 1902. Cooperative purchasing authorized.

11 [A] (a) General rule.--Except as provided under subsection  
12 (b), a public procurement unit may either participate in,  
13 sponsor, conduct or administer a cooperative purchasing  
14 agreement for the procurement of any supplies, services or  
15 construction with one or more public procurement units or  
16 external procurement activities in accordance with an agreement  
17 entered into between the participants. The Department of General  
18 Services is authorized to enter into cooperative purchasing  
19 contracts solely for the use of local public procurement units

1 or State-affiliated entities. The department shall enter into  
2 cooperative purchasing contracts for the use of local public  
3 procurement units or State-affiliated entities if the number of  
4 contractors under a previously existing contract for the same  
5 supply or service is reduced to a single contractor or reduced  
6 by more than 50% of the number existing on September 30, 2003,  
7 and shall award such contracts pursuant to section 517 (relating  
8 to multiple awards) using an invitation for bids. Nothing in  
9 this section shall prohibit a local public procurement unit or  
10 State-affiliated entity from participating in or procuring from  
11 other cooperative purchasing agreements awarded by the  
12 department. Cooperative purchasing may include, but is not  
13 limited to, joint or multiparty contracts between public  
14 procurement units and open-ended purchasing agency contracts  
15 which are made available to local public procurement units.

16 (b) Exception.--A school district may not participate in,  
17 sponsor, conduct or administer a cooperative purchasing  
18 agreement for the procurement of roof construction.

19 Section 2. The amendment of 62 Pa.C.S. § 1902 shall apply to  
20 cooperative purchasing agreements solicited, entered into or  
21 renewed on or after the effective date of this section.

22 Section 3. This act shall take effect in 90 days.