
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 801 Session of
2011

INTRODUCED BY WAUGH, ORIE, EARLL, EICHELBERGER, FOLMER, PICCOLA,
ALLOWAY AND M. WHITE, MARCH 11, 2011

REFERRED TO EDUCATION, MARCH 11, 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," in grounds and buildings, further
6 providing for work to be done under contract let on bids and
7 exceptions; in charter schools, further providing for charter
8 school requirements; in education empowerment, further
9 providing for applicability; in Thaddeus Stevens College of
10 Technology, further providing for contracts for construction,
11 repair, renovation or maintenance; in State System of Higher
12 Education, further providing for project contracts; and
13 making a related repeal.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Section 751(a) of the act of March 10, 1949
17 (P.L.30, No.14), known as the Public School Code of 1949,
18 amended May 4, 1990 (P.L.164, No.38), is amended and the section
19 is amended by adding a subsection to read:

20 Section 751. Work to be Done Under Contract Let on Bids;
21 Exception.--(a) All construction, reconstruction, repairs,
22 maintenance or work of any nature, including the introduction of
23 plumbing, heating and ventilating, or lighting systems, upon any

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

27 * * *

28 (c.1) The act of May 1, 1913 (P.L.155, No.104), referred to
29 as the Separations Act, shall not apply to any person, entity,
30 contract or activity provided for by this section.

1 * * *

2 Section 2. Section 1715-A(10) of the act, added June 19,
3 1997 (P.L.225, No.22), is amended to read:

4 Section 1715-A. Charter School Requirements.--Charter
5 schools shall be required to comply with the following
6 provisions:

7 * * *

8 (10) Boards of trustees and contractors of charter schools
9 shall be subject to the following statutory requirements
10 governing construction projects and construction-related work:

11 (i) The following provisions of this act:

12 (A) Sections 751 and 751.1.

13 (B) Sections 756 and 757 insofar as they are consistent with
14 the act of December 20, 1967 (P.L.869, No.385), known as the
15 "Public Works Contractors' Bond Law of 1967."

16 [(ii) Section 1 of the act of May 1, 1913 (P.L.155, No.104),
17 entitled "An act regulating the letting of certain contracts for
18 the erection, construction, and alteration of public
19 buildings."]

20 (iii) The act of August 11, 1961 (P.L.987, No.442), known as
21 the "Pennsylvania Prevailing Wage Act."

22 (iv) The "Public Works Contractors' Bond Law of 1967."

23 (v) The act of March 3, 1978 (P.L.6, No.3), known as the
24 "Steel Products Procurement Act."

25 Boards of trustees and contractors of charter schools are not
26 subject to the requirements of the act of May 1, 1913 (P.L.155,
27 No.104), referred to as the Separations Act.

28 * * *

29 Section 3. Section 1715-B of the act, added May 10, 2000
30 (P.L.44, No.16), is amended to read:

1 Section 1715-B. Applicability.--(a) Nothing in this article
2 shall be construed to supersede or abrogate the following:

3 (1) The provisions of sections 507, 691, 696 and 1125.1 as
4 they pertain to a city of the first class that is coterminous
5 with a school district of the first class or a school district
6 of the first class A.

7 (2) Sections 751, 751.1, 755, 756 and 757 to the extent that
8 these sections are not inconsistent with the act of December 20,
9 1967 (P.L.869, No.385), known as the "Public Works Contractors'
10 Bond Law of 1967."

11 (3) [Section 1 of the act of May 1, 1913 (P.L.155, No.104),
12 entitled "An act regulating the letting of certain contracts for
13 the erection, construction, and alteration of public buildings,"
14 the] The act of August 15, 1961 (P.L.987, No.442), known as the
15 "Pennsylvania Prevailing Wage Act," and the act of March 3, 1978
16 (P.L.6, No.3), known as the "Steel Products Procurement Act."

17 (4) Nonpublic transportation as provided in section 1361.

18 (5) A requirement of Federal law.

19 (b) The act of May 1, 1913 (P.L.155, No.104), referred to as
20 the Separations Act, shall not apply to any person, entity,
21 contract or activity provided for by this article.

22 Section 4. Section 1913-B.1(e) of the act, added December 9,
23 2002 (P.L.1472, No.187), is amended to read:

24 Section 1913-B.1. Contracts for Construction, Repair,
25 Renovation or Maintenance.--* * *

26 (e) Nothing in this section shall be construed as amending,
27 repealing or otherwise modifying the provisions of [the act of
28 May 1, 1913 (P.L.155, No.104), entitled "An act regulating the
29 letting of certain contracts for the erection, construction, and
30 alteration of public buildings," or] the act of August 15, 1961

1 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage
2 Act." The act of May 1, 1913 (P.L.155, No.104), referred to as
3 the Separations Act, shall not apply to any person, entity,
4 contract or activity provided for by this article.

5 * * *

6 Section 5. Section 2003-A.1(e) of the act, amended July 11,
7 1990 (P.L.424, No.103), is amended to read:

8 Section 2003-A.1. Project Contracts.--* * *

9 (e) Nothing in this section shall be construed as amending,
10 repealing or otherwise modifying the provisions of [the act of
11 May 1, 1913 (P.L.155, No.104), entitled "An act regulating the
12 letting of certain contracts for the erection, construction, and
13 alteration of public buildings," or] the act of August 15, 1961
14 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage
15 Act." The act of May 1, 1913 (P.L.155, No.104), referred to as
16 the Separations Act, shall not apply to any person, entity,
17 contract or activity provided for by this article.

18 * * *

19 Section 6. Repeals are as follows:

20 (1) The General Assembly declares that the repeal under
21 paragraph (2) is necessary to effectuate the purposes of this
22 act.

23 (2) The act of May 1, 1913 (P.L.155, No.104), referred
24 to as the Separations Act, is repealed insofar as it applies
25 to school entities.

26 (3) All other acts and parts of acts are repealed
27 insofar as they are inconsistent with this act.

28 Section 7. This act shall apply to contracts and purchases
29 advertised on or after January 1 of the year following the
30 effective date of this section.

1 Section 8. This act shall take effect in 60 days.