

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 806

Session of  
1983

INTRODUCED BY RICHARDSON, IRVIS, PRESTON, MILLER, LINTON, EVANS,  
WILLIAMS, D. R. WRIGHT, DAWIDA, DeWEESE, WIGGINS, FATTAH,  
WAMBACH AND R. C. WRIGHT, APRIL 18, 1983

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE, APRIL 18, 1983

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," authorizing business set-asides for  
6 minority and small businesses.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding a  
11 section to read:

12 Section 751.2. Minority and Small Business Set-aside.--(a)  
13 The following words, when used in this section, shall have the  
14 following meaning, except where the context clearly indicates or  
15 requires a different meaning:

16 "Business set-aside" shall mean that percentage of each  
17 district contract or package of contracts, determined by the  
18 rule or regulation of the board of school directors, for which  
19 bids are to be solicited only from minority and small

1 businesses.

2 "Total set-aside" shall mean bids for the entire contract are  
3 to be solicited only from minority and small businesses.

4 "Partial set-aside" shall mean a portion of the contract,  
5 determined by the rule or regulation of the board of school  
6 directors, where bids will only be solicited from minority and  
7 small businesses.

8 (b) (1) The school district, shall, upon designation of a  
9 business set-aside as determined by the ordinance or resolution  
10 of the board of school directors, include such designation in  
11 the advertisement for bids in the media used to solicit bids.

12 (2) In the case of contracts designated as a business set-  
13 aside, invitations to bid shall be confined to small and  
14 minority businesses and bids from other businesses shall be  
15 rejected. The contract shall be awarded to the lowest  
16 responsible bidder among such businesses in accordance with the  
17 rules and regulations for purchasing promulgated by the board of  
18 school directors. Awarding of contracts to businesses under this  
19 section is subject to all other provisions of this act governing  
20 procurement and all rules promulgated thereunder, as now or  
21 hereafter amended, except as altered by this section and the  
22 rules and regulations promulgated in its administration.

23 (3) In the event the school district when it solicits a bid,  
24 feels that responsible competitive bids at reasonable prices  
25 were not obtained as a result of the business set-aside  
26 solicitation, or that bids thereof were received only from firms  
27 demonstrated to be not responsible, it may request that the  
28 board of school directors cancel the business set-aside  
29 designation. Action by the board of school directors must be  
30 taken on the request within thirty (30) days of receipt. Upon

1 the approval of the cancellation by the board of school  
2 directors, the procurement will be readvertised on an  
3 unrestricted basis. Small and minority business bidding firms  
4 will be notified of the business set-aside cancellation, the  
5 reasons for the bid rejection, and the school district's intent  
6 to readvertise the procurement on an unrestricted basis. No  
7 business set-aside shall be cancelled unless the board of school  
8 directors has determined from all available evidence that either  
9 no qualified firms or individuals are bidding on the projected  
10 contract or that responding firms are incapable of performing  
11 for reasonable price expectations.

12 (c) The board of school directors shall be responsible for  
13 carrying out the policies of this section and to the extent  
14 consistent with the best interests of the school district shall  
15 attempt to locate additional qualified small and minority  
16 business suppliers by all appropriate methods, particularly  
17 where only a limited number of small and minority business  
18 concerns are on bidders' lists.

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