
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 852 Session of
2013

INTRODUCED BY WAUGH, ALLOWAY, WHITE, SMUCKER AND EICHELBERGER,
APRIL 16, 2013

REFERRED TO EDUCATION, APRIL 16, 2013

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 Thaddeus Stevens College of
9 Technology, further providing for contracts for construction,
10 repair, renovation or maintenance; in State System of Higher
11 Education, further providing for project contracts; and
12 making a related repeal.

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

15 Section 1. Section 751(a.2) of the act of March 10, 1949
16 (P.L.30, No.14), known as the Public School Code of 1949, added
17 June 30, 2012 (P.L.684, No.82), is amended and the section is
18 amended by adding a subsection to read:

19 Section 751. Work to be Done Under Contract Let on Bids;
20 Exception.--(a.2) All construction, reconstruction, repairs,
21 maintenance or work of any nature, including the introduction of
22 plumbing, heating and ventilating, or lighting systems, upon any
23 school building or upon any school property, or upon any

1 building or portion of a building leased under the provisions of
2 section 703.1, made by any school district where the entire
3 cost, value or amount of such construction, reconstruction,
4 repairs, maintenance or work, including labor and material,
5 shall exceed a base amount of eighteen thousand five hundred
6 dollars (\$18,500), subject to adjustment under section 120,
7 [shall] may be done under a single contract or separate
8 contracts to be entered into by such school district with the
9 lowest responsible bidder, upon proper terms, after due public
10 notice has been given asking for competitive bids. Whenever a
11 board of school directors shall approve the use of a
12 prefabricated unit, complete in itself, for a school building or
13 other proper structure to be erected upon school property, the
14 board of school directors may have prepared appropriate
15 specifications detailing the size and material desired in a
16 particular prefabricated unit, including all utilities such as
17 plumbing, heating and ventilating, and electrical work, and may
18 advertise for a single bid on all the work and award the
19 contract therefor to the lowest responsible bidder: Provided,
20 That, if due to an emergency a school plant or any part thereof
21 becomes unusable, competitive bids for repairs or replacement
22 may be solicited from at least three responsible bidders, and,
23 upon the approval of any of these bids by the board of school
24 directors, the school district may proceed at once to make the
25 necessary repairs or replacements in accordance with the terms
26 of said approved bid or bids; and Provided further, That the
27 school district shall notify the Secretary of Education in a
28 form and manner determined by the Secretary of Education that an
29 emergency has occurred and a bid has been selected under the
30 emergency process provided for in this section.

1 * * *

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

5 * * *

6 Section 2. Section 1715-A(10) of the act, added June 19,
7 1997 (P.L.225, No.22), is amended to read:

8 Section 1715-A. Charter School Requirements.--Charter
9 schools shall be required to comply with the following
10 provisions:

11 * * *

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

15 (i) The following provisions of this act:

16 (A) Sections 751 and 751.1.

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

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

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

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

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

29 Boards of trustees and contractors of charter schools are not
30 subject to the requirements of the act of May 1, 1913 (P.L.155,

1 No.104), referred to as the Separations Act.

2 * * *

3 Section 3. Section 1913-B.1(e) of the act, added December 9,
4 2002 (P.L.1472, No.187), is amended to read:

5 Section 1913-B.1. Contracts for Construction, Repair,
6 Renovation or Maintenance.--* * *

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

16 * * *

17 Section 4. Section 2003-A.1(e) of the act, amended July 11,
18 1990 (P.L.424, No.103), is amended to read:

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

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

29 * * *

30 Section 5. Repeals are as follows:

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

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

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

9 Section 6. This act shall apply to contracts and purchases
10 advertised on or after January 1 of the year following the
11 effective date of this section.

12 Section 7. This act shall take effect in 60 days.