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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 778 Session of  
2015

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INTRODUCED BY WOZNIAK, EICHELBERGER, HUTCHINSON, MCGARRIGLE AND  
BLAKE, MAY 15, 2015

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REFERRED TO LOCAL GOVERNMENT, MAY 15, 2015

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AN ACT

1 Amending the act of October 27, 1979 (P.L.241, No.78), entitled  
2 "An act authorizing political subdivisions, municipality  
3 authorities and transportation authorities to enter into  
4 contracts for the purchase of goods and the sale of real and  
5 personal property where no bids are received," providing for  
6 contracts for services.

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

9 Section 1. The title of the act of October 27, 1979  
10 (P.L.241, No.78), entitled "An act authorizing political  
11 subdivisions, municipality authorities and transportation  
12 authorities to enter into contracts for the purchase of goods  
13 and the sale of real and personal property where no bids are  
14 received," amended November 24, 1998 (P.L.819, No.104), is  
15 amended to read:

16 AN ACT

17 Authorizing political subdivisions, municipality authorities and  
18 transportation authorities to enter into contracts for  
19 services, the purchase of goods and the sale of real and  
20 personal property where no bids are received.

1 Section 2. Section 1 of the act is amended by adding  
2 subsections to read:

3 Section 1. Nonreceipt of bids.

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5 (c) Contracts for services.--When a political subdivision,  
6 municipality authority or transportation authority is required  
7 to advertise for bids in order to enter into a contract for  
8 services and no bids are received, the political subdivision,  
9 municipality authority or transportation authority may proceed  
10 as follows:

11 (1) The political subdivision, municipality authority or  
12 transportation authority may advertise for bids a second  
13 time.

14 (2) If no bids are received within 15 days of the second  
15 advertisement, the political subdivision, municipality  
16 authority or transportation authority may initiate  
17 negotiations for a contract to obtain the services previously  
18 advertised, with any provider not otherwise disqualified by  
19 law or an enactment or policy of the governing body.

20 (3) Prior to executing the contract, the political  
21 subdivision, municipality authority or transportation  
22 authority, at a regular or special meeting of its governing  
23 body, must publicly announce the identity of the parties, the  
24 proposed contract price and a summary of the other terms and  
25 conditions relating to any proposed contract in order to  
26 demonstrate that the services to be procured are consistent  
27 with those previously advertised.

28 (d) Evasion.--The penalties, civil or criminal, surcharges  
29 and other liability set forth in law, regulation or ordinance  
30 for evading an advertising requirement for bids shall apply to a

1 member of the governing body of a political subdivision,  
2 municipality authority or transportation authority who votes for  
3 a transaction under this section with the intent to evade the  
4 advertising requirement of the applicable law, regulation or  
5 ordinance.

6 (e) Definition.--As used in this section, the term  
7 "services" means the furnishing of labor, time or effort by a  
8 contractor not involving the delivery of a specific end product  
9 other than drawings, specifications or reports which are merely  
10 incidental to the required performance. The term includes the  
11 routine operation or maintenance of existing structures,  
12 buildings or real property, the repair or rehabilitation of  
13 existing infrastructure and utility services, or those services  
14 formerly provided by public utilities, such as electrical,  
15 telephone, water and sewage service. The term does not include  
16 employment agreements or collective bargaining agreements.

17 Section 3. This act shall take effect in 60 days.