
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1170 Session of
2021

INTRODUCED BY SAPPEY, JAMES, MOUL, KNOWLES AND FREEMAN,
APRIL 14, 2021

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 14, 2021

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," further
6 providing for title of the act; adding a short title; and
7 providing for contracts for services.

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

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

2 Section 1. Short title.

3 This act shall be known and may be cited as the Public
4 Contract Bid Nonreceipt Act.

5 Section 3. Section 1 of the act is renumbered and amended by
6 adding subsections to read:

7 Section [1] 1.1. Nonreceipt of bids.

8 (a) Purchase of goods.--When a political subdivision,
9 municipality authority or transportation authority advertises
10 for bids on an item and no bids are received, the political
11 subdivision, municipality authority or transportation authority
12 shall rebid the item. If again such bids are not received, the
13 political subdivision, municipality authority or transportation
14 authority may purchase or enter into contracts for the purchase
15 of any item where no bids are received from suppliers for the
16 item within 45 days of the date of second advertisement
17 therefor.

18 (b) Sale of property.--When a political subdivision,
19 municipality authority or transportation authority is required
20 to advertise for bids in order to sell real or personal property
21 and no bids are received, the political subdivision,
22 municipality authority or transportation authority may proceed
23 as follows:

24 (1) The political subdivision, municipality authority or
25 transportation authority may advertise for bids a second
26 time.

27 (2) If no bids are received within 15 days of the second
28 advertisement, the political subdivision, municipality
29 authority or transportation authority may initiate
30 negotiations for a private sale of the property, taking into

1 consideration its fair market value.

2 (3) The political subdivision, municipality authority or
3 transportation authority must publicly announce the identity
4 of the parties, the sale price and a summary of the other
5 terms and conditions relating to any proposed private sale at
6 a regular or special meeting of its governing body.

7 (4) After the public announcement of the sale is made in
8 accordance with paragraph (3), at least 30 days must elapse
9 before a political subdivision, municipality authority or
10 transportation authority may authorize the private sale in
11 accordance with this subsection.

12 (c) Contracts for services.--When a political subdivision,
13 municipality authority or transportation authority is required
14 to advertise for bids in order to enter into a contract for
15 services and no bids are received, the political subdivision,
16 municipality authority or transportation authority may proceed
17 as follows:

18 (1) The political subdivision, municipality authority or
19 transportation authority may advertise for bids a second
20 time.

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

27 (3) Prior to executing the contract, the political
28 subdivision, municipality authority or transportation
29 authority, at a regular or special meeting of its governing
30 body, must publicly announce the identity of the parties, the

1 proposed contract price and a summary of the other terms and
2 conditions relating to any proposed contract in order to
3 demonstrate that the services to be procured are consistent
4 with those previously advertised.

5 (d) Evasion.--The penalties, civil or criminal, surcharges
6 and other liability set forth in law, regulation or ordinance
7 for evading an advertising requirement for bids shall apply to a
8 member of the governing body of a political subdivision,
9 municipality authority or transportation authority who votes for
10 a transaction under this section with the intent to evade the
11 advertising requirement of the applicable law, regulation or
12 ordinance.

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

24 Section 4. This act shall take effect in 60 days.