

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 324 Session of 2013

INTRODUCED BY EVERETT, M. K. KELLER, BLOOM, KNOWLES, CAUSER, TOEPEL, TRUITT, PICKETT, CUTLER, HICKERNELL, C. HARRIS, FLECK, AUMENT, GROVE, HESS, CLYMER, BAKER, KAUFFMAN, R. BROWN, MILLARD, COX, MAJOR, MOUL, LAWRENCE, MILNE, SWANGER, DENLINGER, ROSS, GRELL, GILLEN AND SCHLEGEL CULVER, JANUARY 24, 2013

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 17, 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.--* * *

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

1 school district shall notify the Secretary of Education in a
2 form and manner determined by the Secretary of Education that an
3 emergency has occurred and a bid has been selected under the
4 emergency process provided for in this section.

5 * * *

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

9 * * *

10 Section 2. Section 1715-A(10) of the act, added June 19,
11 1997 (P.L.225, No.22), is amended to read:

12 Section 1715-A. Charter School Requirements.--Charter
13 schools shall be required to comply with the following
14 provisions:

15 * * *

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

19 (i) The following provisions of this act:

20 (A) Sections 751 and 751.1.

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

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

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

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

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

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

6 * * *

7 Section 3. Section 1913-B.1(e) of the act, added December 9,
8 2002 (P.L.1472, No.187), is amended to read:

9 Section 1913-B.1. Contracts for Construction, Repair,
10 Renovation or Maintenance.--* * *

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

20 * * *

21 Section 4. Section 2003-A.1(e) of the act, amended July 11,
22 1990 (P.L.424, No.103), is amended to read:

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

24 (e) Nothing in this section shall be construed as amending,
25 repealing or otherwise modifying the provisions of [the act of
26 May 1, 1913 (P.L.155, No.104), entitled "An act regulating the
27 letting of certain contracts for the erection, construction, and
28 alteration of public buildings," or] the act of August 15, 1961
29 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage
30 Act." The act of May 1, 1913 (P.L.155, No.104), referred to as

1 the Separations Act, shall not apply to any person, entity,
2 contract or activity provided for by this article.

3 * * *

4 Section 5. Repeals are as follows:

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

8 (2) The act of May 1, 1913 (P.L.155, No.104), referred
9 to as the Separations Act, is repealed insofar as it applies
10 to school entities. FOR PURPOSES OF THIS SECTION, "SCHOOL <--
11 ENTITY" SHALL MEAN A SCHOOL DISTRICT, CHARTER SCHOOL, CYBER
12 CHARTER SCHOOL, REGIONAL CHARTER SCHOOL, AREA VOCATIONAL-
13 TECHNICAL SCHOOL OR INTERMEDIATE UNIT, THE THADDEUS STEVENS
14 COLLEGE OF TECHNOLOGY AND ANY STATE-OWNED COLLEGE OR
15 UNIVERSITY.

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

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

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