

No. 1978-236

AN ACT

HB 2351

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," increasing the amount of work of any nature which can be performed on property owned by any school district without advertising and without competitive bids and further providing for contracts.

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

Section 1. Section 751, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," amended July 22, 1970 (P.L.541, No.184), is amended to read:

Section 751. Work to be Done Under Contract Let on Bids; Exception.—(a) All construction, reconstruction, repairs, or work of any nature, including the introduction of plumbing, heating and ventilating, or lighting systems, upon any school building or upon any school property, made by any school district, where the entire cost, value, or amount of such construction, reconstruction, repairs, or work, including labor and material, shall exceed **[one thousand five hundred dollars (\$1500)] two thousand five hundred dollars (\$2,500)**, shall be done under separate contracts to be entered into by such school district with the lowest responsible bidder, upon proper terms, after due public notice has been given asking for competitive bids. Whenever a board of school directors shall approve the use of a prefabricated unit, complete in itself, for a school building or other proper structure to be erected upon school property, the board of school directors may have prepared appropriate specifications detailing the size and material desired in a particular prefabricated unit, including all utilities such as plumbing, heating and ventilating, and electrical work, and may advertise for a single bid on all the work and award the contract therefor to the lowest responsible bidder: Provided, That if due to an emergency a school plant or any part thereof becomes unusable competitive bids for repairs or replacement may be solicited from at least three responsible bidders, and upon the approval of any of these bids by the **[State Superintendent of Public Instruction] Secretary of Education**, the board of school directors may proceed at once to make the necessary repairs or replacements in accordance with the terms of said approved bid or bids.

(b) The board of school directors in any school district either may perform any construction, reconstruction, repairs, or work of any nature, where the entire cost or value, including labor and material, is less than five thousand dollars (\$5000), by its own maintenance personnel, or may have

any such construction, reconstruction, repairs, or work performed by contract after soliciting bids from at least three responsible bidders: Provided, That the board of school directors in any school district may authorize the secretary of the board or other executive to award contracts for construction, reconstruction, repairs, or work of any nature, where the entire cost or value, including labor and material, is **[one thousand five hundred dollars (\$1500)] two thousand five hundred dollars (\$2,500)** or less, without soliciting competitive bids.

(c) Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (No.3), known as the "Steel Products Procurement Act."

Section 2. Section 807.1 of the act, amended February 25, 1972 (P.L.81, No.28), is amended to read:

Section 807.1. Purchase of Supplies.—All furniture, equipment, textbooks, school supplies and other appliances for the use of the public schools, costing **[fifteen hundred dollars (\$1,500)] two thousand five hundred dollars (\$2,500)** or more shall be purchased by the board of school directors only after due advertisement as hereinafter provided. Supplies costing **[fifteen hundred dollars (\$1,500)] two thousand five hundred dollars (\$2,500)** or more shall be purchased by the board of school directors only after public notice has been given by advertisement once a week for three (3) weeks in not less than two (2) newspapers of general circulation. In any district where no newspaper is published, said notice may, in lieu of such publication, be posted in at least five (5) public places.

The board of school directors shall accept the bid of the lowest responsible bidder, kind, quality, and material being equal, but shall have the right to reject any and all bids, or select a single item from any bid. The board of school directors in any district may authorize or appoint the secretary of the board or other executive as purchasing agent for the district, with authority to purchase supplies costing less than **[fifteen hundred dollars (\$1,500).] two thousand five hundred dollars (\$2,500)**.

The following shall be exempt from the above provisions: maps, music, globes, charts, educational films, filmstrips, prepared transparencies and slides, pre-recorded magnetic tapes and disc recordings, textbooks, games, toys, prepared kits, flannel board materials, flash cards, models, projectuals and teacher demonstration devices necessary for school use.

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

APPROVED—The 4th day of October, A. D. 1978.

MILTON J. SHAPP