



# Senate Education Committee

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**BILL SUMMARY**  
**House Bill 1901, Printer's No. 2570**  
**Prime Sponsor: Everett**

**A. SYNOPSIS:**

HB 1901 allows school districts, in the event of an emergency, to advertise for bids to repair or replace a school plant or any part thereof and, with the approval of the school board, to proceed at once to make the necessary repairs or replacements, without obtaining the approval of the Secretary of Education.

**B. BILL ANALYSIS:**

Section 751 of the Public School Code of 1949 (School Code) currently states that in the event a school plant or any part thereof becomes unusable, emergency competitive bids may be solicited from at least three responsible bidders. The Secretary of Education (Secretary), however, is required to approve of the winning bid or bids before the school board may make the necessary repairs or replacements.

The bill would amend section 751 to allow the school board to select the winning bid or bids directly and immediately proceed with the repair of the school plant. The school district would then be required to notify the Secretary that an emergency had occurred and a bid or bids had been selected under the emergency bid process provided for in law.

The bill takes effect in 60 days.

**C. SUMMARY OF RELEVANT EXISTING LAW:**

The bill amends section 751 (relating to work to be done under contract let on bids; exception) of the School Code.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1901 Session of  
2011

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INTRODUCED BY EVERETT, AUMENT, BAKER, BOBACK, CAUSER, FLECK,  
GEIST, GINGRICH, GRELL, GROVE, HICKERNELL, KAUFFMAN,  
M. K. KELLER, METCALFE, MILLER, MILNE, RAPP, REICHLEY, ROSS,  
SWANGER AND VULAKOVICH, OCTOBER 18, 2011

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REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 18, 2011

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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.

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

10 Section 1. Section 751(a) of the act of March 10, 1949  
11 (P.L.30, No.14), known as the Public School Code of 1949,  
12 amended May 4, 1990 (P.L.164, No.38), is amended to read:

13 Section 751. Work to be Done Under Contract Let on Bids;  
14 Exception.--(a) All construction, reconstruction, repairs,  
15 maintenance or work of any nature, including the introduction of  
16 plumbing, heating and ventilating, or lighting systems, upon any  
17 school building or upon any school property, or upon any  
18 building or portion of a building leased under the provisions of  
19 section 703.1, made by any school district, where the entire

1 cost, value, or amount of such construction, reconstruction,  
2 repairs, maintenance or work, including labor and material,  
3 shall exceed ten thousand dollars (\$10,000), shall be done under  
4 separate contracts to be entered into by such school district  
5 with the lowest responsible bidder, upon proper terms, after due  
6 public notice has been given asking for competitive bids.  
7 Whenever a board of school directors shall approve the use of a  
8 prefabricated unit, complete in itself, for a school building or  
9 other proper structure to be erected upon school property, the  
10 board of school directors may have prepared appropriate  
11 specifications detailing the size and material desired in a  
12 particular prefabricated unit, including all utilities such as  
13 plumbing, heating and ventilating, and electrical work, and may  
14 advertise for a single bid on all the work and award the  
15 contract therefor to the lowest responsible bidder: Provided,  
16 That if due to an emergency a school plant or any part thereof  
17 becomes unusable competitive bids for repairs or replacement may  
18 be solicited from at least three responsible bidders, and upon  
19 the approval of any of these bids by [the Secretary of  
20 Education,] the board of school directors, the school district  
21 may proceed at once to make the necessary repairs or  
22 replacements in accordance with the terms of said approved bid  
23 or bids; and Provided further, That the school district shall  
24 notify the Secretary of Education in a form and manner  
25 determined by the Secretary of Education that an emergency has  
26 occurred and a bid has been selected under the emergency process  
27 provided for in this section.

28 \* \* \*

29 Section 2. This act shall take effect in 60 days.