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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 693 Session of  
2017

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INTRODUCED BY SCHWANK, EICHELBERGER, MCGARRIGLE, HUTCHINSON AND  
BLAKE, MAY 15, 2017

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REFERRED TO LOCAL GOVERNMENT, MAY 15, 2017

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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," 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 \* \* \*

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

15 (1) The political subdivision, municipality authority or  
16 transportation authority may advertise for bids a second  
17 time.

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

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

1 with those previously advertised.

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

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

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