

## Cooperative Purchasing: What to Know

By: Jocelyn Kramer, Esq.

*Under Section 751 of the PA School Code, mandatory bidding is required if construction costs for a "Project", defined as construction, reconstruction, repairs, maintenance or work of any nature, including the introduction of plumbing, heating and ventilating, or lighting systems on any school building or upon any school property, or upon any building or portion of a building leased, exceed \$23,800, subject to inflation index. Generally, competitive bidding requires due public notice, the award of contracts to the "lowest responsible and responsive bidder" for each contract, and "multiple prime contracts" for general construction, mechanical, plumbing and electrical work.*



The Commonwealth Procurement Code, 62 Pa C.S. § 1902, allows individual government entities to "piggyback" on cooperative/joint purchasing arrangements. As such, School Districts may purchase items under a cooperative purchasing agreement if (1) the contract was awarded by a public procurement unit; (2) the public procurement unit followed its legally-required procurement process; and (3) the item the School District is purchasing is included in the awarded bid, including any ancillary services.

COSTARS is the Commonwealth's Cooperative Purchasing Program. The Procurement Code authorizes the Pennsylvania Department of General Services ("DGS") to enter into cooperative purchasing contracts solely for the use of Pennsylvania local public procurement units (LPPUs) and Pennsylvania state-affiliated entities. To purchase off of COSTARS contracts, eligible Pennsylvania LPPUs and state-affiliated entities must register to be a COSTARS Member. Once an LPPU or state-affiliated entity is registered, and if eligible, it will receive an approval letter with its member number.

A bidder or contractor offering to provide materials and/or services is referred to as a "Supplier," and may also be referred to as a "vendor." Suppliers are required to register in the PA Supplier Portal to receive a six-digit vendor number as a prerequisite to bidding on statewide or COSTARS-exclusive contracts.

**To become a COSTARS supplier, a vendor needs to respond to bidding opportunities published on the DGS COSTARS or PA eMarketplace websites.**

A supplier that successfully responds to a contract solicitation may be awarded a contract. Vendors may only sell the products/provide the services listed in their bid and within the scope of the

*continued on next page.*

## Weapons in Schools: New Reporting Requirement for Schools

By: Nicole Williams, Esq.



*On November 6, 2025, Governor Shapiro signed into law Senate Bill 246, now Act 44 of 2025, which requires school entities to notify parent/guardians and school staff within 24 hours if a weapon is discovered on school property, at a school-sponsored event or on school transportation.*

Previously, schools were required to report such incidents to law enforcement and PDE, but not to parents or employees. Now, Section 1303.2-A of the Pennsylvania School Code obligates school entities to notify parents/guardians and school employees of an incident involving the possession of a weapon that violates § 1317.2 of the School Code (Possession of weapons prohibited), 18 Pa.C.S. § 912 (Possession of weapon on school property), or any "locally established policies of the school entity's, nonpublic school's or private school's governing body relating to weapons." Notification to parents/guardians and school employees must occur within 24 hours of the incident, unless circumstances necessitate otherwise, using the method of communication that is most likely to reach the intended audience. § 1303.2-B(1). The district's notification to parents/guardians shall not contain any identifiable information about that student in compliance with 20 U.S.C. § 1232g, except for the notification of the parent/guardian of the student found in possession of a weapon; however, a school employee who is directly responsible for a student who is found in possession of a weapon may be notified of the student's identity and may be given any records relating to the incident. § 1303.2-C; § 1303.2-B(5). The notification may be limited to the school employees and parents/guardians of the students enrolled in or attending the building where the incident occurred; however, if that building shares a campus with other school buildings, then the school is required to notify the school employees and parents/guardians of the students in the buildings on the shared campus as well. § 1303.2-B(2)-(3). Finally, when an incident involving the possession of a weapon occurs at a school-sponsored activity or during transportation to or from that activity, the school must notify the school employees and parents/guardians of the students in attendance. § 1303.2-B(4)(i).

*continued on next page.*

## Cooperative Purchasing, continued

contract. Vendors cannot sell or provide similar products/services. Certain COSTARS-exclusive contracts enable a supplier to offer ancillary services in conjunction with the products it provides to a purchaser. Ancillary services include but are not limited to: training; asset-tagging; extended warranty; post-warranty support and maintenance; special delivery arrangements; and assembly, installation, and construction activities. Ancillary services being purchased must be offered in the COSTARS contract. All ancillary services must be purchased at the same time as the product. Prior to purchasing ancillary services, we strongly recommend consulting with your solicitor. As a general rule, the closer an activity comes to being a “construction project,” the less likely it is considered within the scope of COSTARS “ancillary services.” The fact that a supplier lists a service as an ancillary service, and includes a corresponding price, does not relieve the supplier or purchasing entity from compliance with all applicable law. Governmental entity purchasers and/or contractors could face penalties or legal consequences if it fails to meet all legal requirements, including but not limited to: Separations Act of 1913, Pennsylvania Prevailing Wage Act, and the School Code.

Finally, the existing COSTARS contract and its terms and conditions control. You may add “business related” terms (e.g., scope of work, timelines) to the contract through the purchase order, if the added terms do not contradict the existing COSTARS contract. Be cautious with purchase orders presented as complete contracts. You must always confirm the vendor has an active COSTARS contract and that they abide by the terms of that contract. The School District is entitled to the benefit of all of the terms and conditions in the existing COSTARS contract, including the maximum price. COSTARS Vendors can offer lower prices. Therefore, it is recommended that COSTARS Members contact 3-4 vendors for a quote, then return to those vendors to negotiate better pricing. The same considerations should be applied for other cooperative purchasing, such as PEPPM.

[COSTARS Member \(Purchaser\) FAQs](#)

[COSTARS Member Brochure](#) • [Guide to COSTARS Contracts](#)

[COSTARS Members’ Quote Kit](#)

**Please do not hesitate to reach out to WBK with any questions regarding purchasing and cooperative purchasing. ♦**

## WBK Happenings

- Attorney Elizabeth Sattler spoke at the NBI seminar Pennsylvania Collection Law: The Ultimate Guide on the topic of “How to Comply with the FCDPA, CFPB and State Law.” The seminar was held online on November 19, 2025.
- On January 31, 2026, Attorney Megan Turnbull will be presenting at the Local Government Academy’s Session on Municipal Finance Management and Ethical Leadership to be held at CCAC’s North Campus.
- Attorney Lynne Sherry will be presenting at the ACAPA (Attendance/Child Accounting Professional Association) 2026 legal symposium on the topic of attendance/truancy/residency. The conference is scheduled to take place at the Hotel Hershey on February 9 and 10, 2026.

Attorney Turnbull and Sattler will be presenting for the Local Government Academy in March 2026 on the topic of Blight Remediation Reimagined. ♦

## Weapons in School, continued

The school is not required to notify if the incident is not directly related to the school-sponsored activity or the students and school employees in attendance. § 1303.2-B(4)(II).

It is important to note that this new reporting requirement does not limit the responsibility of the school to report to local law enforcement, supersede the responsibility to follow school procedures in a disaster response and emergency preparedness plan, or supersede a collective bargaining agreement between the school and an employee organization. §1303.2-D.

In response to this new requirement, we recommend that districts look at their local definitions of weapons and consider creating a separate category for locally defined weapons. School districts should also consider proactively making parents and guardians aware of the new reporting requirements in an effort to ward off concerns that there is a sudden increase in the number of weapons incidents in their schools.

**Should you have any questions regarding this new requirement or best practices moving forward, we encourage you to reach out to your solicitor or contact the attorneys at WBK. ♦**

## Weiss Burkardt Kramer LLC

445 Fort Pitt Boulevard Suite 503

Pittsburgh, PA 15219

[www.wbklegal.com](http://www.wbklegal.com)

Phone: (412) 391-9890 • Fax: (412) 391-9685

Ira Weiss	<a href="mailto:iweiss@wbklegal.com">iweiss@wbklegal.com</a>
Jocelyn P. Kramer	<a href="mailto:jkramer@wbklegal.com">jkramer@wbklegal.com</a>
Megan Turnbull	<a href="mailto:mturnbull@wbklegal.com">mturnbull@wbklegal.com</a>
Annemarie Harr Eagle	<a href="mailto:aharr@wbklegal.com">aharr@wbklegal.com</a>
Rebecca Heaton Hall	<a href="mailto:rheatonhall@wbklegal.com">rheatonhall@wbklegal.com</a>
Nicole W. Williams	<a href="mailto:nwilliams@wbklegal.com">nwilliams@wbklegal.com</a>
Claude C. Council	<a href="mailto:councillaw@verizon.net">councillaw@verizon.net</a>
Lynne Sherry	<a href="mailto:lsherry@wbklegal.com">lsherry@wbklegal.com</a>
Lee Dellecker	<a href="mailto:ldellecker@wbklegal.com">ldellecker@wbklegal.com</a>
Michelle Gannon	<a href="mailto:mgannon@wbklegal.com">mgannon@wbklegal.com</a>
Elizabeth Sattler	<a href="mailto:esattler@wbklegal.com">esattler@wbklegal.com</a>

This issue of In Brief: School Law Update is meant to be informational and does not constitute legal advice. Should districts wish legal advice on any matter, they should contact their legal counsel or request a legal opinion from Weiss Burkardt Kramer LLC.

Copyright 2025, Weiss Burkardt Kramer LLC.