

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2194 Session of
1986

INTRODUCED BY GODSHALL, TRELLO, KUKOVICH, NOYE, G. M. SNYDER,
YANDRISEVITS, MORRIS, BROUJOS, SAURMAN, MOEHLMANN, STABACK,
SHOWERS, HERMAN, CARLSON, GLADECK, AFFLERBACH, SEMMEL,
BALDWIN, HALUSKA AND HERSHEY, FEBRUARY 19, 1986

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 19, 1986

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An
2 act concerning townships of the second class; and amending,
3 revising, consolidating, and changing the law relating
4 thereto," restricting certain persons from bidding on
5 contracts.

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

8 Section 1. Section 802 of the act of May 1, 1933 (P.L.103,
9 No.69), known as The Second Class Township Code, reenacted and
10 amended July 10, 1947 (P.L.1481, No.567), is amended by adding
11 subsections to read:

12 Section 802. Letting Contracts.--* * *

13 (g) No person who has been convicted of a Federal or State
14 crime involving fraud upon a government or a government
15 instrumentality, and no entity in which that person has an
16 interest, may bid on a contract for a period of ten years after
17 the conviction. For purposes of this subsection, fraud includes,
18 but is not limited to:

1 (1) A misrepresentation of a material fact that is not made
2 honestly and in good faith.

3 (2) A promise, representation or prediction as to the future
4 that is not made honestly and in good faith.

5 (3) An intentional failure to disclose a material fact.

6 (4) A fictitious or pretended purchase or sale of a
7 security.

8 (5) The gaining, through the sale of a security, of an
9 underwriting or promotion fee or profit or a selling or managing
10 fee or profit that is so gross or exorbitant as to be
11 unconscionable. This includes a scheme, device or artifice to
12 obtain such a profit, fee or commission.

13 (6) A scheme, device or artifice to defraud a prospective or
14 actual customer, client or subscriber of securities, money or
15 property.

16 (h) In the case of a bid involving the collection,
17 transportation, treatment, storage or disposal of solid waste or
18 hazardous waste under the act of July 7, 1980 (P.L.380, No.97),
19 known as the "Solid Waste Management Act," the following shall
20 apply:

21 (1) A bid may be rejected by the township if one of the
22 following applies:

23 (i) The township has reason to believe that the bidder's
24 responsibility, character and general fitness for business do
25 not command the confidence of the public and may not be
26 conducive to the honest and efficient conduct of business in the
27 best interest of the public.

28 (ii) The bidder's prior performance record in the
29 collection, transportation, treatment, storage or disposal of
30 solid waste exhibited insufficient reliability, expertise or

competency to warrant the belief that the bidder would be likely to exhibit sufficient reliability, expertise or competence with respect to the contract being bid.

(2) The township may require the following information to be submitted with the bid:

(i) If the bidder has an equity interest in a company which collects, transports, treats, stores or disposes of solid waste or hazardous waste, the name and address of that company.

(ii) A description of the bidder's experience and credentials in collection, transportation, treatment, storage or disposal of solid waste or hazardous waste. This includes past or present licenses.

(iii) If the bidder is an entity, the names of the officers and directors or partners.

(iv) A list and explanation of Federal, State and local notices of violation, prosecutions, administrative orders and license revocations for the ten years immediately preceding the bid submission, if the action is pending or has resulted in a finding or a settlement of a violation of law by the bidder or its employees, and, in the case of an entity, by an officer or director or a partner, relating to the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste.

(v) A list and explanation of judgments of civil liability and convictions against the bidder or its employees and, in the case of an entity, against an officer or director or a partner.

(vi) A list of agencies outside of this Commonwealth which had regulatory authority over the bidder in connection with the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste.

- 1 (vii) Other information that the township deems relevant to
- 2 the competency, reliability or good character of the bidder.
- 3 Section 2. This act shall take effect in 60 days.