

BOROUGH AND INCORPORATED TOWNS (8 PA.C.S.) - REGULATION OF  
CONTRACTS

Act of Oct. 24, 2018, P.L. 673, No. 99

CL. 08

Session of 2018

No. 2018-99

HB 99

AN ACT

Amending Title 8 (Boroughs and Incorporated Towns) of the  
Pennsylvania Consolidated Statutes, in contracts, further  
providing for regulation of contracts.

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

Section 1. Section 1402(d)(1), (4)(ii) and (iii) and (6)  
of Title 8 of the Pennsylvania Consolidated Statutes are amended  
and the subsection is amended by adding paragraphs to read:  
§ 1402. Regulation of contracts.

\* \* \*

(d) Contracts or purchases.--The contracts or purchases  
made by council, which shall not require advertising, bidding  
or price quotations as provided in this part, are as follows:

(1) Those for **routine** maintenance, repairs or  
replacements for water, electricity or public works of the  
borough, if they do not constitute new additions, extensions  
or enlargements of existing facilities and equipment, but  
security may be required by council, as in other cases of  
work done.

(1.1) Those for **emergency maintenance, repairs or  
replacements for water, electricity or public works of the  
borough, if they do not constitute new additions, extensions  
or enlargements of existing facilities and equipment, but  
security may be required by council, as in other cases of  
work done. The actual emergency and the nature of the  
procurement shall be stated in a resolution by council and  
adopted at the next public meeting.**

(1.2) Those for the mitigation of a real or potential  
emergency involving a clear and present danger to the health,  
safety and welfare of the residents of the borough. For those  
contracts or purchases made in cases of emergencies, the  
actual emergency and the nature of the procurement shall be  
stated in a resolution by council and adopted at the next  
public meeting.

\* \* \*

(4) \* \* \*

(ii) Those made for utility service for borough  
purposes, including, but not limited to, those made for  
natural gas or telecommunications services **and  
electricity.**

[(iii) Those made for electricity with the entities  
set forth in paragraph (6)(i), (ii), (iii), (iv), (v),  
(vi) and (vii)(A).]

\* \* \*

(6) Those made relating to the purchase of electricity  
and associated energy and related services by a borough  
owning or operating electric generation or distribution  
facilities [on January 1, 1966,] with any of the following:

(i) A political subdivision.

(ii) Another state.  
(iii) The Commonwealth or a Commonwealth agency.  
(iv) The Federal Government.  
(v) A private corporation.  
(vi) An electric cooperative corporation under 15 Pa.C.S. Ch. 73 (relating to electric cooperative corporations).

(vii) A nonprofit membership corporation. As used in this subparagraph, the term "nonprofit membership corporation" means an entity, the membership of which:

(A) consists solely of Commonwealth boroughs, such as a consortium, buying group or municipal power agency under section 24A04 (relating to municipal power agencies); or

(B) consists of Commonwealth boroughs and political subdivisions of another state.

(viii) An electric cooperative of another state.

Nothing in this paragraph prohibits council from engaging in advertising, bidding or price quotations if the council determines that the advertising, bidding or price quotations are in the public interest.

**(7) Those made for materials and supplies or equipment rental under emergency conditions under 35 Pa.C.S. Pt. V (relating to emergency management services).**

\* \* \*

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

APPROVED--The 24th day of October, A.D. 2018.

TOM WOLF