

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2345

Session of
1978

INTRODUCED BY MESSRS. IRVIS AND MEBUS, APRIL 11, 1978

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 22, 1978

AN ACT

1 Amending the act of May 2, 1945 (P.L.382, No.164), entitled "An
2 act providing for the incorporation as bodies corporate and
3 politic of 'Authorities' for municipalities, counties and
4 townships; prescribing the rights, powers and duties of such
5 Authorities heretofore or hereafter incorporated; authorizing
6 such Authorities to acquire, construct, improve, maintain and
7 operate projects, and to borrow money and issue bonds
8 therefor; providing for the payment of such bonds, and
9 prescribing the rights of the holders thereof; conferring the
10 right of eminent domain on such Authorities; authorizing such
11 Authorities to enter into contracts with and to accept grants
12 from the Federal Government or any agency thereof; and
13 conferring exclusive jurisdiction on certain courts over
14 rates," regulating contract procedures, PURCHASES and
15 advertising for bids. <—

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

18 Section 1. Subsections A and B of section 10, act of May 2,
19 1945 (P.L.382, No.164), known as the "Municipality Authorities
20 Act of 1945," amended November 23, 1976 (P.L.1149, No.250), are
21 amended AND THE SECTION IS AMENDED BY ADDING A SUBSECTION to <—
22 read:

23 Section 10. Competition in Award of Contracts.--A. All
24 construction, reconstruction, repairs or work of any nature made

1 by any Authority, where the entire cost, value or amount of such
2 construction, reconstruction, repairs or work, including labor
3 and materials, shall exceed [two thousand dollars (\$2,000)] five <—
4 ~~thousand dollars (\$5,000)~~ TWO THOUSAND FIVE HUNDRED DOLLARS <—
5 (\$2,500), except construction, reconstruction, repairs or work
6 done by employees of said Authority, or by labor supplied under
7 agreement with any Federal or State agency, with supplies and
8 materials purchased as hereinafter provided, shall be done only
9 under contract or contracts to be entered into by the Authority
10 with the lowest responsible bidder upon proper terms, after due
11 public notice has been given asking for competitive bids as
12 hereinafter provided. No contract shall be entered into for
13 construction or improvement or repair of any project or portion
14 thereof, unless the contractor shall give an undertaking with a
15 sufficient surety or sureties approved by the Authority, and in
16 an amount fixed by the Authority, for the faithful performance
17 of the contract. All such contracts shall provide among other
18 things that the person or corporation entering into such
19 contract with the Authority will pay for all materials furnished
20 and services rendered for the performance of the contract, and
21 that any person or corporation furnishing such materials or
22 rendering such services may maintain an action to recover for
23 the same against the obligor in the undertaking, as though such
24 person or corporation was named therein, provided the action is
25 brought within one year after the time the cause of action
26 accrued. Nothing in this section shall be construed to limit the
27 power of the Authority to construct, repair or improve any
28 project or portion thereof, or any addition, betterment or
29 extension thereto, directly by the officers, agents and employees
30 of the Authority, or otherwise than by contract.

1 B. All supplies and materials costing [two thousand dollars
2 (\$2,000)] ~~five thousand dollars (\$5,000)~~ TWO THOUSAND FIVE
3 HUNDRED DOLLARS (\$2,500), or more, shall be purchased only after
4 due advertisement as hereinafter provided. Authority shall
5 accept the lowest bid or bids, kind, quality and material being
6 equal, but the Authority shall have the right to reject any or
7 all bids or select a single item from any bid. The provisions as
8 to bidding shall not apply to the purchase of patented and
9 manufactured products offered for sale in a noncompetitive
10 market or solely by a manufacturer's authorized dealer.

11 * * *

12 (F) EVERY CONTRACT FOR THE CONSTRUCTION, RECONSTRUCTION,
13 REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS SHALL CONTAIN
14 A PROVISION THAT ANY STEEL PRODUCTS USED OR SUPPLIED IN THE
15 PERFORMANCE OF THE CONTRACT OR ANY SUBCONTRACTS THEREUNDER SHALL
16 BE FROM STEEL MADE IN THE UNITED STATES.

17 SECTION 2. THE PROVISIONS OF THIS ACT SHALL BE CONSTRUED IN
18 A MANNER CONSISTENT WITH THE ACT OF MARCH 3, 1978 (NO.3), KNOWN
19 AS THE "STEEL PRODUCTS PROCUREMENT ACT."

20 Section ~~2-~~ 3. This act shall take effect in 60 days.