
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2352

Session of
1978

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

SENATOR LEWIS, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
SEPTEMBER 18, 1978

AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled
2 "An act concerning townships of the first class; amending,
3 revising, consolidating, and changing the law relating
4 thereto," further regulating contracts, advertisements,
5 specifications, and bids for certain contracts.

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

8 Section 1. Subsection (a) and the first paragraph and clause
9 (2) of subsection (d) of section 1802 and section 1802.1, act of
10 June 24, 1931 (P.L.1206, No.331), known as "The First Class
11 Township Code," reenacted and amended May 27, 1949 (P.L.1955,
12 No.569), and amended November 23, 1976 (P.L.1135, No.243), are
13 amended and the section is amended by adding a subsection to
14 read:

15 Section 1802. General Regulations Concerning Contracts.--(a)
16 All contracts or purchases made by any township, involving the
17 expenditure of over [two thousand dollars,] two thousand five
18 hundred dollars except those hereinafter mentioned, shall not be
19 made except with and from the lowest responsible bidder, shall

1 be in writing, and shall be made only after notice by the
2 secretary, published, in one newspaper of general circulation,
3 published or circulating in the county in which the township is
4 situated, at least three times at intervals of not less than
5 three days where daily newspapers of general circulation are
6 employed for such publication, or in case weekly newspapers are
7 employed then the notice shall be published once a week for two
8 successive weeks. The first advertisement shall be published not
9 less than ten days prior to the date fixed for the opening of
10 bids. All plans and specifications shall be on file at least ten
11 days in advance of opening bids. The amount of the contract
12 shall in all cases, whether of straight sale price, conditional
13 sale, bailment lease, or otherwise, be the entire amount which
14 the township pays to the successful bidder or his assigns in
15 order to obtain the services or property, or both, and shall not
16 be construed to mean only the amount which is paid to acquire
17 title or to receive any other particular benefit or benefits of
18 the whole bargain.

19 * * *

20 (d) The contracts or purchases made by the commissioners
21 involving an expenditure of over [two thousand dollars] two
22 thousand five hundred dollars, which shall not require
23 advertising or bidding, as hereinbefore provided, are as
24 follows:

25 * * *

26 (2) Those made for improvements, repairs and maintenance of
27 any kind made or provided by any township through its own
28 employes: Provided, however, That all materials used for street
29 improvement, maintenance, and/or construction in excess of [two
30 thousand dollars] two thousand five hundred dollars be subject

1 to the advertising requirements as contained herein.

2 * * *

3 ~~(c) Every contract for the construction, reconstruction,~~ <—
4 ~~repair, improvement or maintenance of public works shall contain~~
5 ~~a provision that any steel products used or supplied in the~~
6 ~~performance of the contract or any subcontracts thereunder shall~~
7 ~~be from steel made in the United States.~~

8 (E) EVERY CONTRACT FOR THE CONSTRUCTION, RECONSTRUCTION, <—
9 ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS
10 SHALL COMPLY WITH THE PROVISIONS OF THE ACT OF MARCH 3, 1978
11 (NO.3), KNOWN AS THE "STEEL PRODUCTS PROCUREMENT ACT."

12 Section 1802.1. Evasion of Advertising Requirements.--No
13 commissioner or commissioners shall evade the provisions of
14 section one thousand eight hundred two as to advertising for
15 bids, by purchasing or contracting for services and personal
16 properties piecemeal for the purpose of obtaining prices under
17 [two thousand dollars] two thousand five hundred dollars upon
18 transactions, which transactions should, in the exercise of
19 reasonable discretion and prudence, be conducted as one
20 transaction amounting to more than [two thousand dollars] two
21 thousand five hundred dollars. This provision is intended to
22 make unlawful the evading of advertising requirements by making
23 a series of purchases or contracts each for less than the
24 advertising requirement price, or by making several simultaneous
25 purchases or contracts, each below said price, when in either
26 case, the transactions involved should have been made as one
27 transaction for one price. Any commissioners who so vote in
28 violation of this provision, and who know that the transaction
29 upon which they so vote is or ought to be a part of a larger
30 transaction, and that it is being divided in order to evade the

1 requirements as to advertising for bids, shall be jointly and
2 severally subject to surcharge for ten per centum of the full
3 amount of the contract or purchase. Whenever it shall appear
4 that a commissioner may have voted in violation of this section,
5 but the purchase or contract on which he so voted was not
6 approved by the board of commissioners, this section shall be
7 inapplicable.

8 ~~Section 2. The provisions of this act shall be construed in~~ <—
9 ~~a manner consistent with the act of March 3, 1978 (No.3), known~~
10 ~~as the "Steel Products Procurement Act."~~

11 Section 3 2. This act shall take effect in 60 days. <—