

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2197 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 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," 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 1802 of the act of June 24, 1931
9 (P.L.1206, No.331), known as The First Class Township Code,
10 reenacted and amended May 27, 1949 (P.L.1955, No.569), is
11 amended by adding subsections to read:

12 Section 1802. General Regulations Concerning Contracts.--* *

13 *

14 (g) No person who has been convicted of a Federal or State
15 crime involving fraud upon a government or a government
16 instrumentality, and no entity in which that person has an
17 interest, may bid on a contract for a period of ten years after
18 the conviction. For purposes of this subsection, fraud includes,

1 but is not limited to:

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

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

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

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

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

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

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

22 (1) A bid may be rejected by the authorizing authorities if
23 one of the following applies:

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

29 (ii) The bidder's prior performance record in the
30 collection, transportation, treatment, storage or disposal of

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

1 solid waste or hazardous waste.

2 (vii) Other information that the authorizing authorities
3 deem relevant to the competency, reliability or good character
4 of the bidder.

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