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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 714**      Session of  
1989

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INTRODUCED BY STUBAN, GAMBLE, LESCOVITZ, FOSTER AND NAHILL,  
MARCH 13, 1989

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 13, 1989

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AN ACT

1 Amending the act of February 1, 1966 (1965 P.L.1656, No.581),  
2 entitled "An act concerning boroughs, and revising, amending  
3 and consolidating the law relating to boroughs," further  
4 providing for advertising relating to contracts.

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

7 Section 1. Section 1402(a) of the act of February 1, 1966  
8 (1965 P.L.1656, No.581), known as The Borough Code, amended  
9 December 22, 1981 (P.L.537, No.155), is amended to read:

10 Section 1402. Regulation of Contracts.--(a) All contracts  
11 or purchases in excess of four thousand dollars (\$4,000), except  
12 those hereinafter mentioned, shall not be made except with and  
13 from the lowest responsible bidder after due notice in one  
14 newspaper of general circulation in the borough, at least  
15 [three] two times at intervals of not less than three days where  
16 daily newspapers of general circulation are available for such  
17 publication, in case of weekly newspapers, such notice once a  
18 week for two successive weeks. The first advertisement shall be

1 published not more than forty-five days and the second  
2 advertisement not less than ten days prior to the date fixed for  
3 the opening of bids. Advertisements for contracts or purchases  
4 shall also be posted in a conspicuous place within the borough.  
5 The amount of the contract shall in all cases, whether of  
6 straight sale price, conditional sale, bailment lease, or  
7 otherwise, be the entire amount which the borough pays to the  
8 successful bidder or his assigns in order to obtain the services  
9 or property, or both, and shall not be construed to mean only  
10 the amount which is paid to acquire title or to receive any  
11 other particular benefit or benefits of the whole bargain. In  
12 awarding bids, council shall have the right to take into  
13 consideration such other factors as the availability, cost and  
14 quality of service.

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