

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1023 Session of
1999

INTRODUCED BY ROBBINS, GERLACH, WAUGH, CONTI, BRIGHTBILL,
LEMOND, HELFRICK, MADIGAN, MOWERY, WHITE, THOMPSON AND
SLOCUM, JUNE 14, 1999

AS AMENDED ON THIRD CONSIDERATION, MARCH 21, 2000

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as
2 reenacted and amended, "An act concerning townships of the
3 second class; and amending, revising, consolidating and
4 changing the law relating thereto," further reviewing
5 advertising or bidding requirements; AND PROVIDING FOR
6 ADVERTISEMENT FOR BIDS ON PUBLIC CONTRACTS ON THE INTERNET. <—

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

9 Section 1. Section 3102(h) of the act of May 1, 1933
10 (P.L.103, No.69), known as The Second Class Township Code,
11 reenacted and amended November 9, 1995 (P.L.350, No.60) and
12 amended December 18, 1996 (P.L.1142, No.172), is amended to
13 read:

14 Section 3102. Letting Contracts.--* * *

15 (h) The contracts or purchases made by the board of
16 supervisors involving payments in excess of the required
17 advertising amount, which do not require advertising, bidding or
18 price quotations are as follows:

19 (1) Those made for emergency, or routine maintenance,

1 repairs or replacements for water, electric light and other
2 public works of the township if they do not constitute new
3 additions, extensions or enlargements of existing facilities and
4 equipment.

5 (2) Those made for improvements, repairs or maintenance of
6 any kind made or provided by any township through its own
7 employees. All contracts or purchases of materials used for
8 improvement, maintenance or construction in excess of four
9 thousand dollars (\$4,000) but less than the required advertising
10 amount are subject to the provisions contained in subsection
11 (b), and those contracts or purchases in excess of the required
12 advertising amount are subject to the advertising requirements
13 contained in subsection (a).

14 (3) Those involving any policies of insurance or surety
15 company bonds, those made for public utility service, including
16 electricity or other traditional utility services, and those
17 made with another municipal corporation, county, school district
18 or municipality authority, the Pennsylvania State Association of
19 Township Supervisors or Federal or State Government, including
20 the sale, leasing or loan of any supplies or materials by the
21 Federal or State Government or their agencies.

22 (4) Those involving personal or professional services.

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

26 (6) Those contracts involving equipment rental with
27 operators if more than fifty percent of the total labor
28 personnel hours required for the completion of the contract is
29 supplied by the township through its own employees.

30 (7) Those contracts for the purchase of repair parts or

1 materials for use in existing township equipment or facilities
2 if the item or material to be purchased is the sole item of its
3 kind on the market or is manufactured as a replacement for the
4 original item or equipment being repaired.

5 (8) Those for used equipment, articles, apparatus,
6 appliances, vehicles or parts thereof being purchased from a
7 public utility.

8 (9) Those where particular types, models or pieces of
9 equipment, articles, apparatus, appliances, vehicles or parts
10 thereof which are patented and manufactured products.

11 * * *

12 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

13 SECTION 3102.1. INTERNET ADVERTISING.--(A) ANY LEGAL
14 REQUIREMENT THAT A TOWNSHIP ADVERTISES FOR BIDS ON A CONTRACT OF
15 ANY KIND MAY BE SATISFIED BY PLACEMENT OF THE ADVERTISEMENT ON
16 THE INTERNET IN COMPLIANCE WITH REGULATIONS PROMULGATED BY THE
17 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT IN LIEU OF
18 PLACING THE ADVERTISEMENT IN A NEWSPAPER.

19 (B) THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
20 SHALL PROMULGATE REGULATIONS TO FACILITATE IMPLEMENTATION AND
21 PROOF OF PUBLICATION OF INTERNET ADVERTISEMENT UNDER SUBSECTION
22 (A) WITHIN THREE MONTHS OF THE EFFECTIVE DATE OF THIS
23 SUBSECTION. THE REGULATIONS SHALL NOT BE SUBJECT TO THE
24 REQUIREMENTS OF THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),
25 KNOWN AS THE "REGULATORY REVIEW ACT."

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