

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 714 Session of
1989INTRODUCED BY STUBAN, GAMBLE, LESCOVITZ, FOSTER AND NAHILL,
MARCH 13, 1989AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 28, 1989

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 AND BIDDING relating to contracts. <—

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

7 Section 1. Section 1402(a) AND (B) of the act of February 1, <—
8 1966 (1965 P.L.1656, No.581), known as The Borough Code, amended
9 December 22, 1981 (P.L.537, No.155), ~~is~~ ARE 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.

15 (B) THE ACCEPTANCE OF BIDS SHALL ONLY BE MADE BY PUBLIC <—
16 ANNOUNCEMENT AT THE MEETING AT WHICH BIDS ARE RECEIVED, OR AT A
17 SUBSEQUENT MEETING, THE TIME AND PLACE OF WHICH SHALL BE
18 PUBLICLY ANNOUNCED WHEN BIDS ARE RECEIVED. IF FOR ANY REASON ONE
19 OR BOTH OF THE ABOVE MEETINGS SHALL NOT BE HELD, THE SAME
20 BUSINESS MAY BE TRANSACTED AT ANY SUBSEQUENT MEETING IF AT LEAST
21 FIVE DAYS' NOTICE THEREOF SHALL BE PUBLISHED IN THE NEWSPAPER
22 AFORESAID. [COUNCIL MAY REQUEST THAT A CERTIFIED CHECK, IN AN
23 AMOUNT TO BE DETERMINED, BY IT, SHALL ACCOMPANY EVERY BID AND,
24 WHEN REQUESTED, NO BID SHALL BE CONSIDERED UNLESS SO
25 ACCOMPANIED.] AT COUNCIL'S REQUEST, ALL BIDS ADVERTISED FOR
26 SHALL BE ACCOMPANIED BY CASH, MONEY ORDER, A CERTIFIED OR
27 CASHIER'S GOOD FAITH CHECK, OR A BOND WITH CORPORATE SURETY IN
28 SUCH AMOUNT AS COUNCIL SHALL DETERMINE, AND, WHEN REQUESTED, NO
29 BID SHALL BE CONSIDERED UNLESS SO ACCOMPANIED.

30 * * *

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