

BOROUGH CODE, THE - AMEND ADVERTISING AND BIDDING RELATING TO
CONTRACTS

Act of Feb. 14, 1990, P.L. 60, No. 10

Cl. 08

Session of 1990

No. 1990-10

HB 714

AN ACT

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

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

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

Section 1402. Regulation of Contracts.--(a) All contracts or
purchases in excess of four thousand dollars (\$4,000), except those
hereinafter mentioned, shall not be made except with and from the
lowest responsible bidder after due notice in one newspaper of
general circulation in the borough, at least [three] **two** times at
intervals of not less than three days where daily newspapers of
general circulation are available for such publication, in case of
weekly newspapers, such notice once a week for two successive weeks.
The first advertisement shall be published **not more than forty-five
days and the second advertisement** not less than ten days prior to
the date fixed for the opening of bids. **Advertisements for contracts
or purchases shall also be posted in a conspicuous place within
the borough.** The amount of the contract shall in all cases, whether
of straight sale price, conditional sale, bailment lease, or
otherwise, be the entire amount which the borough pays to the
successful bidder or his assigns in order to obtain the services
or property, or both, and shall not be construed to mean only the
amount which is paid to acquire title or to receive any other
particular benefit or benefits of the whole bargain. In awarding
bids, council shall have the right to take into consideration such
other factors as the availability, cost and quality of service.

(b) The acceptance of bids shall only be made by public
announcement at the meeting at which bids are received, or at a
subsequent meeting, the time and place of which shall be publicly
announced when bids are received. If for any reason one or both of
the above meetings shall not be held, the same business may be
transacted at any subsequent meeting if at least five days' notice
thereof shall be published in the newspaper aforesaid. [Council
may request that a certified check, in an amount to be determined,
by it, shall accompany every bid and, when requested, no bid shall
be considered unless so accompanied.] **At council's request, all
bids advertised for shall be accompanied by cash, money order, a
certified or cashier's good faith check, or a bond with corporate
surety in such amount as council shall determine, and, when
requested, no bid shall be considered unless so accompanied.**

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

APPROVED--The 14th day of February, A. D. 1990.

ROBERT P. CASEY