

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2352 Session of
 1978

INTRODUCED BY IRVIS AND MEBUS, APRIL 11, 1978

REFERRED TO COMMITTEE ON URBAN AFFAIRS, APRIL 11, 1978

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," further regulating contracts, advertisements,
 5 specifications, and bids for certain contracts.

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

8 Section 1. Subsection (a) and the first paragraph and clause
 9 (2) of subsection (d) of section 1802 and section 1802.1, act of
 10 June 24, 1931 (P.L.1206, No.331), known as "The First Class
 11 Township Code," reenacted and amended May 27, 1949 (P.L.1955,
 12 No.569), and amended November 23, 1976 (P.L.1135, No.243), are
 13 amended to read:

14 Section 1802. General Regulations Concerning Contracts.--(a)
 15 All contracts or purchases made by any township, involving the
 16 expenditure of over [two thousand dollars,] five thousand
 17 dollars except those hereinafter mentioned, shall not be made
 18 except with and from the lowest responsible bidder, shall be in
 19 writing, and shall be made only after notice by the secretary,
 20 published, in one newspaper of general circulation, published or

1 circulating in the county in which the township is situated, at
2 least three times at intervals of not less than three days where
3 daily newspapers of general circulation are employed for such
4 publication, or in case weekly newspapers are employed then the
5 notice shall be published once a week for two successive weeks.
6 The first advertisement shall be published not less than ten
7 days prior to the date fixed for the opening of bids. All plans
8 and specifications shall be on file at least ten days in advance
9 of opening bids. The amount of the contract shall in all cases,
10 whether of straight sale price, conditional sale, bailment
11 lease, or otherwise, be the entire amount which the township
12 pays to the successful bidder or his assigns in order to obtain
13 the services or property, or both, and shall not be construed to
14 mean only the amount which is paid to acquire title or to
15 receive any other particular benefit or benefits of the whole
16 bargain.

17 * * *

18 (d) The contracts or purchases made by the commissioners
19 involving an expenditure of over [two thousand dollars] five
20 thousand dollars,, which shall not require advertising or
21 bidding, as hereinbefore provided, are as follows:

22 * * *

23 (2) Those made for improvements, repairs and maintenance of
24 any kind made or provided by any township through its own
25 employes: Provided, however, That all materials used for street
26 improvement, maintenance, and/or construction in excess of [two
27 thousand dollars] five thousand dollars be subject to the
28 advertising requirements as contained herein.

29 * * *

30 Section 1802.1. Evasion of Advertising Requirements.--No

1 commissioner or commissioners shall evade the provisions of
2 section one thousand eight hundred two as to advertising for
3 bids, by purchasing or contracting for services and personal
4 properties piecemeal for the purpose of obtaining prices under
5 [two thousand dollars] five thousand dollars upon transactions,
6 which transactions should, in the exercise of reasonable
7 discretion and prudence, be conducted as one transaction
8 amounting to more than [two thousand dollars] five thousand
9 dollars. This provision is intended to make unlawful the evading
10 of advertising requirements by making a series of purchases or
11 contracts each for less than the advertising requirement price,
12 or by making several simultaneous purchases or contracts, each
13 below said price, when in either case, the transactions involved
14 should have been made as one transaction for one price. Any
15 commissioners who so vote in violation of this provision, and
16 who know that the transaction upon which they so vote is or
17 ought to be a part of a larger transaction, and that it is being
18 divided in order to evade the requirements as to advertising for
19 bids, shall be jointly and severally subject to surcharge for
20 ten per centum of the full amount of the contract or purchase.
21 Whenever it shall appear that a commissioner may have voted in
22 violation of this section, but the purchase or contract on which
23 he so voted was not approved by the board of commissioners, this
24 section shall be inapplicable.

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