

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 744 Session of
1989

INTRODUCED BY STOUT, CORMAN, STEWART, BRIGHTBILL, PUNT, LEMMOND,
PORTERFIELD, WENGER, MADIGAN, AFFLERBACH, REIBMAN AND
PETERSON, MARCH 23, 1989

REFERRED TO LOCAL GOVERNMENT, MARCH 23, 1989

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An
2 act concerning townships of the second class; and 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. Section 802(a) and (e) of the act of May 1, 1933
9 (P.L.103, No.69), known as The Second Class Township Code,
10 reenacted and amended July 10, 1947 (P.L.1481, No.567), amended
11 December 22, 1981 (P.L.539, No.156) and December 17, 1986
12 (P.L.1686, No.198), are amended to read:

13 Section 802. Letting Contracts.--(a) Each township shall
14 have the power to make, to authorize, and to ratify,
15 expenditures for lawful purposes from funds available therefor,
16 by borrowing within legal limitations: Provided, That all
17 contracts or purchases in excess of [four thousand dollars] ten
18 thousand dollars, except those hereinafter mentioned, shall not
19 be made except with and from the lowest responsible bidder,

1 after due notice in one newspaper of general circulation,
2 published or circulating in the county in which the township is
3 situated, at least two times, at intervals of not less than
4 three days where daily newspapers of general circulation are
5 employed for such publication, or in case weekly newspapers are
6 employed, then the notice shall be published once a week for two
7 successive weeks. The first advertisement shall be published not
8 more than forty-five days and the second advertisement not less
9 than ten days prior to the date fixed for the opening of bids.
10 Notice of proposed contracts or purchases shall also be posted
11 where the board of supervisors normally meets or in a
12 conspicuous place within the township.

13 * * *

14 (e) The contracts or purchases made by any supervisors
15 involving an expenditure of over [four thousand dollars] ten
16 thousand dollars, which shall not require advertising or bidding
17 as hereinbefore provided, are as follows:

18 (1) Those made for maintenance, repairs or replacements for
19 water, electric light and other public works of the township,
20 provided they do not constitute new additions, extensions or
21 enlargements of existing facilities and equipment, but a bond
22 may be required by the supervisors as in other cases of work
23 done.

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

30 (3) Those where particular types, models or pieces of new

1 equipment, articles, apparatus, appliances, vehicles, or parts
2 thereof, are desired by the supervisors, which are patented and
3 manufactured products.

4 (4) Those involving any policies of insurance or surety
5 company bonds, those made for public utility service under
6 tariffs on file with the Pennsylvania Public Utility Commission,
7 those made with another political subdivision, county, the
8 Commonwealth of Pennsylvania or the Federal Government, or any
9 agency of the Commonwealth or Federal Government, or any
10 municipal authority, including the sale, leasing or loan of any
11 supplies or materials by the Commonwealth, or the Federal
12 Government, or their agencies, but the price thereof, or the
13 expenditure therefor, shall not be in excess of those fixed by
14 the Commonwealth, the Federal Government or their agencies.

15 (5) Those involving personal or professional services.

16 * * *

17 Section 2. Sections 802.1 and 804 of the act, amended
18 December 22, 1981 (P.L.539, No.156), are amended to read:

19 Section 802.1. Evasion of Advertising Requirements.--No
20 supervisor or supervisors shall evade the provisions of section
21 eight hundred two as to advertising for bids, by purchasing or
22 contracting for services and personal properties piecemeal for
23 the purpose of obtaining prices under [four thousand dollars]
24 upon ten thousand dollars transactions which should, in the
25 exercise of reasonable discretion and prudence, be conducted as
26 one transaction amounting to more than [four thousand dollars]
27 ten thousand dollars. This provision is intended to make
28 unlawful the evading of advertising requirements by making a
29 series of purchases or contracts each for less than the
30 advertising requirement price, or by making several simultaneous

1 purchases or contracts, each below said price, when, in either
2 case, the transactions involved should have been made as one
3 transaction for one price. Any supervisors who so vote in
4 violation of this provision, and who know that the transaction
5 upon which they so vote is or ought to be part of a larger
6 transaction and that it is being divided in order to evade the
7 requirements as to advertising for bids, shall be jointly and
8 severally subject to surcharge for ten per centum of the full
9 amount of the contract or purchase. Whenever it shall appear
10 that a supervisor may have voted in violation of this section,
11 but the purchase or contract on which he so voted was not
12 approved by the board of supervisors, this section shall be
13 inapplicable.

14 Section 804. Separate Specifications for Branches of Work.--
15 In the preparation of specifications for the erection or
16 alteration of any public building, when the entire cost of such
17 work exceeds [four thousand dollars] ten thousand dollars, the
18 architect, engineer, or person preparing such specifications
19 shall prepare separate specifications for the plumbing, heating,
20 ventilating, and electrical work, and the township shall receive
21 separate bids upon each of such branches of work and award the
22 contract for the same to the lowest responsible bidder.

23 Section 3. This act shall take effect in 60 days.