

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 99 Session of 2017

INTRODUCED BY ZIMMERMAN, BAKER, GREINER, MILLARD, PICKETT, HICKERNELL, MENTZER, PEIFER, WARD, FLYNN, RADER, B. MILLER, GILLEN, MEHAFFIE AND KORTZ, JANUARY 23, 2017

SENATOR WAGNER, LOCAL GOVERNMENT, IN SENATE, AS AMENDED, DECEMBER 12, 2017

AN ACT

1 Amending Title 8 (Boroughs and Incorporated Towns) of the
2 Pennsylvania Consolidated Statutes, in contracts, further
3 providing for regulation of contracts.

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

6 Section 1. Section 1402(d)(1), (4)(ii) and (iii) and (6) of
7 Title 8 of the Pennsylvania Consolidated Statutes are amended
8 and the subsection is amended by adding a paragraph to read:

9 § 1402. Regulation of contracts.

10 \* \* \*

11 (d) Contracts or purchases.--The contracts or purchases made
12 by council, which shall not require advertising, bidding or
13 price quotations as provided in this part, are as follows:

14 (1) [Those for ~~emergencies or for~~ maintenance, repairs <--
15 or replacements for water, electricity or public works of the
16 borough, if they do not constitute new additions, extensions
17 or enlargements of existing facilities and equipment, but

1 security may be required by council, as in other cases of  
 2 work done.] THOSE MADE FOR EMERGENCIES OR FOR ROUTINE  
 3 MAINTENANCE, REPAIRS OR REPLACEMENTS FOR WATER, ELECTRIC  
 4 LIGHT AND OTHER PUBLIC WORKS OF THE BOROUGH IF THEY DO NOT  
 5 CONSTITUTE NEW ADDITIONS, EXTENSIONS OR ENLARGEMENTS OF  
 6 EXISTING FACILITIES AND EQUIPMENT. For those contracts or  
 7 purchases made in cases of emergencies, the actual emergency  
 8 and the nature of the procurement shall be stated in a  
 9 resolution by council and adopted at the next public meeting.

10 \* \* \*

11 (4) \* \* \*

12 (ii) Those made for utility service for borough  
 13 purposes, including, but not limited to, those made for  
 14 natural gas or telecommunications services and  
 15 electricity.

16 [(iii) Those made for electricity with the entities  
 17 set forth in paragraph (6) (i), (ii), (iii), (iv), (v),  
 18 (vi) and (vii) (A).]

19 \* \* \*

20 (6) Those made relating to the purchase of electricity  
 21 and associated energy and related services by a borough  
 22 owning or operating electric generation or distribution  
 23 facilities [on January 1, 1966,] with any of the following:

- 24 (i) A political subdivision.
- 25 (ii) Another state.
- 26 (iii) The Commonwealth or a Commonwealth agency.
- 27 (iv) The Federal Government.
- 28 (v) A private corporation.
- 29 (vi) An electric cooperative corporation under 15

30 Pa.C.S. Ch. 73 (relating to electric cooperative

1 corporations).

2 (vii) A nonprofit membership corporation. As used in  
3 this subparagraph, the term "nonprofit membership  
4 corporation" means an entity, the membership of which:

5 (A) consists solely of Commonwealth boroughs,  
6 such as a consortium, buying group or municipal power  
7 agency under section 24A04 (relating to municipal  
8 power agencies); or

9 (B) consists of Commonwealth boroughs and  
10 political subdivisions of another state.

11 (viii) An electric cooperative of another state.

12 Nothing in this paragraph prohibits council from engaging in  
13 advertising, bidding or price quotations if the council  
14 determines that the advertising, bidding or price quotations  
15 are in the public interest.

16 (7) Those made for materials and supplies or equipment  
17 rental under emergency conditions under 35 Pa.C.S. Pt. V  
18 (relating to emergency management services).

19 \* \* \*

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