

## No. 44

## AN ACT

Amending the act of March 7, 1901 (P. L. 20), entitled "An act for the government of cities of the second class," further regulating contracts relating to city affairs.

Cities of second class.

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

Section 1, article XV, act of March 7, 1901, P. L. 20, amended April 14, 1937, P. L. 310, and July 28, 1941, P. L. 545, further amended.

Section 1. Section 1 of article fifteen, act of March 7, 1901 (P. L. 20), entitled "An act for the government of cities of the second class," amended April 14, 1937 (P. L. 310) and July 28, 1941 (P. L. 545), as amended to read:

## ARTICLE XV.

## CONTRACTS

Contracts to be let to lowest responsible bidder.

Section 1. All contracts relating to city affairs shall be let to the lowest responsible bidder, after reasonable notice. When the contract exceeds [five hundred] *one thousand* dollars such notice shall be by advertisement; when less than that amount, or when purchased at public sale, advertisement may be dispensed with. Every contract shall be let in the manner prescribed by the council of said city, and shall be countersigned by the city controller, *and each contract in an amount of one thousand dollars or less shall be executed in the manner prescribed by ordinance of city council.* All bids shall be filed with the city controller, and shall be opened publicly in the manner prescribed by the council of said city at a time and place to be designated in the advertisement or notice to bidders, and the figures stated to those present. No contract shall be let until council has passed an ordinance providing for the letting of the same.

Contracts must be in writing.

All contracts *in excess of one thousand dollars* shall be in writing, signed and executed in the name of the city by the mayor and head of the proper department. No contracts shall be entered into or executed directly by the councils or any committee thereof.

Contracts shall be filed in the mayor's office.

All contracts *in excess of one thousand dollars* shall be countersigned by the controller, and filed and registered by number, date and contents in the mayor's office, and attested copies furnished to the controller and the department charged with the work.

Contracts for public improvements shall be based upon an estimate of the whole cost.

Every contract for public improvements shall be based upon estimate of the whole cost, furnished by the proper officer through the department having charge of the improvement, and no bid in excess of such estimate shall

be accepted. Every such contract shall contain a clause that it is subject to the provisions of this act, and the liability of the city thereon shall be limited by the amounts which shall have been or may be, from time to time, appropriated for the same. In each and every instance where a contract *in excess of one thousand dollars* is let to any person, firm, company or corporation, by any city of the second class, or any officer, officers or departments of such city, for any work, material, supplies, construction or excavation, of any kind, the person, firm, company or corporation shall give bond to the city to the amount of fifty per centum of the estimated cost, with security to be approved by the mayor: Provided, That where a long term service contract, covering a period of two years or more, is let to any person, firm, company or corporation, then the person, firm, company or corporation shall give bond to the amount of fifty per centum of the estimated cost for the first year, and shall thereafter, during the life of the contract, keep in effect bond in the amount of fifty per centum of the fixed or estimated yearly cost. The bond for the second and subsequent year or years shall be given at least sixty days prior to the beginning of the contract year to which it is applicable.

Successful bidder to put up bond.

Proviso.

No contract for work to be done for, or property or materials to be sold or supplied to the city, or any department thereof, shall be made with any councilman, officer or employe of such city, or with any firm, copartnership or association of which such councilman, officer or employe is a member; and if any councilman, officer or employe, during the term for which he shall have been elected or appointed, knowingly acquires an interest in any such contract he shall forfeit his office. At the expiration of present contract, and every three years thereafter, the mayor of each of the cities of the second class shall contract for a term of three years, with two daily newspapers published within the county in which such city of the second class is situated, for the publication of all official advertising, the cost of which is payable out of the municipal treasury; which said official advertising shall include all ordinances of councils, mayor's proclamations, all official reports of the city officers, all notices for opening, widening, straightening, grading, paving and curbing, and vacation of streets, lanes and alleys, and the construction of sewers, including all viewers' reports and proposals for public work and supplies; such contracts to be let to the lowest bidder, agate measure, per line, for each thousand of circulation, the basis of the circulation to be the average daily sales (exclusive of Sunday, weekly, semi-weekly and tri-weekly issues, and also exclusive of all credits for re-

Contracts not to be made with city officers or employes.

Newspaper publication.

turned or unsold newspapers, and newspapers distributed free of charge), of such newspaper for the six months next preceding the month in which such advertising may be published.

APPROVED—The 6th day of May, A. D. 1959.

DAVID L. LAWRENCE

No. 45

AN ACT

Amending the act of May 4, 1927 (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the acquisition, maintenance and enlargement by the borough of certain sewage collection or disposal systems.

The Borough Code.

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

Sections 2135 and 2136, act of May 4, 1927, P. L. 519, reenacted and amended July 10, 1947, P. L. 1621, further amended.

Section 1. Sections 2135 and 2136, act of May 4, 1927 (P. L. 519), known as "The Borough Code," reenacted and amended July 10, 1947 (P. L. 1621), are amended to read:

Section 2135. Power to Acquire Sewer Systems.—Any borough, in which any person, firm, or corporation is maintaining sewers and culverts, with the necessary inlets and appliances for surface, under surface, and sewage drainage, *or in which any person or persons are maintaining a community sewage collection or disposal system as defined in section 2137 of this act*, may become the owner of such sewers, culverts, inlets, and appliances, *or the owner of such community collection or disposal system*, by purchase or by the exercise of the power of eminent domain, *or by gift from the owner or owners thereof*.

Section 2136. Assessment of Damages.—In case of disagreement, the amount to be paid shall be ascertained in the manner provided in article fourteen of this act. In the same proceeding, the viewers shall assess the costs and expenses of the sewer, culverts, inlets, and appliances, *or of the sewer collection or disposal system*, acquired by the borough, upon the property benefited, according to benefits, if sufficient can be found; but, if not, then the deficiency when ascertained shall be paid by the borough.

Act of May 4, 1927, P. L. 519, reenacted and amended July 10, 1947, P. L. 1621, amended by adding a new section 2137.

Section 2. The act reenacted and amended July 10, 1947 (P. L. 1621), is amended by adding, after section 2136, a new section to read:

Section 2137. Community Sewage Collection or Disposal Systems.—(a) For the purpose of this subdivision,