

No. 80

AN ACT

SB 370

Amending the act of April 9, 1929 (P.L.177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing bid bonds in certain cases.

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

Section 1. Subsections (f) and (h) of section 2408, act of April 9, 1929 (P.L.177), known as "The Administrative Code of 1929," amended June 21, 1937 (P.L.1865), are amended to read:

Section 2408. Procedure for Erection of Buildings and Alterations or Additions to Existing Buildings.—* * *

(f) All proposals shall be accompanied by certified or bank checks *or surety bid bonds*, in such amounts or percentages of the amounts of the proposals as shall be specified in the advertisement, and shall be publicly opened and tabulated at the time and place specified in the advertisement.

* * *

(h) No proposal for any contract shall be considered unless accompanied by a certified or bank check *or surety bid bond* as prescribed by the department at the time of advertising. A bidder who shall have accompanied his proposal with a certified or bank check *or surety bid bond*, as aforesaid, and to whom a contract shall have been awarded, must, within ten days after such award, substitute for said check *or surety bid bond* a surety performance bond for not less than fifty per centum (50%) or more than one hundred per centum (100%) of the bid price of the work, as shall have been prescribed by the department in its invitation for proposals, and an additional bond in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price of the work, as prescribed by the department in its invitation for proposals, conditioned that the contractor will promptly pay for all material furnished and labor supplied or performed in the

prosecution of the work, whether or not the material or labor enter into and become component parts of the building. Such additional bond shall be held by the Department of Property and Supplies for the use of every party who, whether as sub-contractor or otherwise, has furnished material or supplied or performed labor in the prosecution of the work, as above provided, and who has not been paid therefor; and, among other things, shall provide specifically that any such party may bring a suit thereon, in the name of the Commonwealth, for his, their, or its own use, prosecute the same to final judgment for such sum or sums as may be justly due, and have execution thereon: Provided, however, That the Commonwealth shall not be liable for the payment of any costs or expenses of any such suit. Each surety bond, required hereunder, shall have as surety a surety company authorized to transact business in this Commonwealth, or two individual sureties approved by the Department of Justice.

* * *

Section 2. This act shall take effect immediately.

APPROVED—The 12th day of August, A. D. 1971.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 80.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style with a large initial "C" and "T".

Secretary of the Commonwealth.