

(e) Warrants for the above purposes shall be drawn by the Auditor General, payable to the treasurers of the several participating municipalities, *participating counties*, and to the State Employees' Retirement Fund, in accordance with this act.

Warrants to be drawn by Auditor General.

Section [1.1] 3. Every municipality or county which makes application and certifies that it has a police force comprising at least one full-time paid policeman, but which does not have a Municipal Employees' Retirement Fund, a Police Pension or Retirement Fund, as provided in section one of this act, shall be paid in the manner provided in this act the amount that would be allocated had the municipality or county made provision through a Municipal Employees' Retirement Fund, a Police Pension or Retirement Fund, all of which sum so allocated shall be expended by the municipal or county authorities to secure Pension Annuity Contracts for their policemen. Warrants for this purpose shall be drawn by the Auditor General payable to the treasurers of the municipalities or counties, and the municipal or county authorities are hereby directed to use the allocations to forthwith secure Pension Annuity Contracts until such time as they shall have made *provision therefor through a Municipal Employees' Retirement Fund, a Police Pension or Retirement Fund.

Pension Annuity Contracts authorized for policemen where municipality or county has a police force but no Municipal Employees' Retirement Fund, Police Pension or Retirement Fund.

Section 2. The provisions of this reenactment and amendment shall apply to all moneys received from the aforesaid tax in the year one thousand nine hundred fifty-one and thereafter.

Applicability of act.

APPROVED—The 10th day of May, A. D. 1951.

JOHN S. FINE

No. 40

AN ACT

To further amend the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by changing requirements for contracts and purchases; and imposing penalties.

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

Section 1. Section 1802 of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto,"

"The First Class Township Code."

Section 1802, act of June 24, 1931, P. L. 1206, as reenacted, revised and amended by act of May 27, 1949, P. L. 1955, further amended.

* "provisions" in original.

as reenacted, revised and amended by the act, approved the twenty-seventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1955), is hereby further amended to read as follows:

Section 1802. General Regulations Concerning Contracts.—(a) All contracts or purchases made by any township, involving the expenditure of over [five hundred] *seven hundred fifty* dollars, except those hereinafter mentioned, shall be in writing, and shall be made only after notice by the secretary, published, in one newspaper of general circulation, published or circulating in the county in which the township is situated, at least three times at intervals of not less than three days where daily newspapers of general circulation are employed for such publication, or in case weekly newspapers are employed then the notice shall be published once a week for two successive weeks. The first advertisement shall be published not less than ten days prior to the date fixed for the opening of bids. All plans and specifications shall be on file at least ten days in advance of opening bids. *The amount of the contract shall in all cases, whether of straight sale price, conditional sale, bailment lease, or otherwise, be the entire amount which the township pays to the successful bidder or his assigns in order to obtain the services or property, or both, and shall not be construed to mean only the amount which is paid to acquire title or to receive any other particular benefit or benefits of the whole bargain.*

(b) In every instance in which any contract for any public work, construction, materials, supplies, or other matters or things for any township shall be awarded upon competitive bids, it shall be the duty of the authorities authorizing the same to award said contract to the lowest responsible bidder. Any published notice for bids shall contain full plans and specifications, or refer to the places where copies thereof can be obtained, and give the time and place of meeting of the township commissioners at which meeting bids shall be publicly opened and read. If, through lack of a quorum or other reason, no meeting shall be held at such time and place, notice of the same kind shall be repeated once at least six days before the meeting of the subsequent time and place fixed, and the foregoing provisions as to bids shall apply. The same course shall be pursued until a meeting shall actually be held for receiving and opening bids. Any contract made in violation of the provisions hereof shall be void. But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year, but any contract so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years:

Provided, That if, prior to the letting of any contract, taxpayers of the township, whose property valuation as assessed for taxable purposes within the township shall amount to sixty per centum or over of the total property valuation as assessed for taxable purposes within the township, shall sign and file, with the township secretary of the board, a written protest against such contemplated contract, then such contract shall not be let.

(c) The successful bidder, when advertising is required herein, shall be required to furnish bond with suitable reasonable requirements guaranteeing the performance of the contract, with sufficient surety, in the amount of fifty per centum of the amount of the liability under the contract, within twenty days after the contract has been awarded, unless the township commissioners shall prescribe a shorter period of not less than ten days. Upon failure to furnish such bond within such time the previous award shall be void. Deliveries, accomplishment and guarantees may be required in all cases of expenditures including exceptions herein.

(d) The contracts or purchases made by the commissioners involving an expenditure of over [five hundred] *seven hundred fifty* dollars, which shall not require advertising or bidding, as hereinbefore provided, are as follows:

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

(2) Those made for improvements, repairs and maintenance of any kind made or provided by any township through its own employes: Provided, however, That this shall not apply to construction materials used in a street improvement.

(3) Those where particular types, models or pieces of new equipment, articles, apparatus, appliances, vehicles or parts thereof are desired by the commissioners which are patented and manufactured products.

(4) Those involving any policies of insurance or surety company bonds; those made for public utility service under tariffs on file with the Pennsylvania Public Utility Commission; those made with another political subdivision or a county; the Commonwealth of Pennsylvania; the Federal Government; any agency of the Commonwealth or the Federal Government or any municipal authority, including the sale, leasing or loan of any supplies or materials by the Commonwealth or Federal Government or their agencies. But the price thereof shall not be in excess of that fixed by the Commonwealth, the Federal Government or their agencies.

Article XVIII,
said act, as
reenacted, revised
and amended by
act of May 27,
1949, P. L. 1955,
further amended
by adding, imme-
diately following
section 1802, a
new section
1802.1.

(5) Those involving personal or professional services.
Section 2. Article XVIII of said act, as reenacted, re-vised and amended by the act, approved the twenty-seventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1955), is hereby further amended by adding thereto, immediately following section 1802, a new section to read as follows:

Section 1802.1. Evasion of Advertising Requirements.—No commissioner or commissioners shall evade the provisions of section one thousand eight hundred two as to advertising for bids, by purchasing or contracting for services and personal properties piecemeal for the purpose of obtaining prices under seven hundred fifty dollars upon transactions, which transactions should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than seven hundred fifty dollars. This provision is intended to make unlawful the evading of advertising requirements by making a series of purchases or contracts, each for less than the advertising requirement price, or by making several simultaneous purchases or contracts, each below said price, when in either case, the transactions involved should have been made as one transaction for one price. Any commissioners who so vote in violation of this provision, and who know that the transaction upon which they so vote is or ought to be a part of a larger transaction, and that it is being divided in order to evade the requirements as to advertising for bids, shall be jointly and severally subject to surcharge for ten per centum of the full amount of the contract or purchase. Whenever it shall appear that a commissioner may have voted in violation of this section, but the purchase or contract on which he so voted was not approved by the board of commissioners, this section shall be inapplicable.

APPROVED—The 10th day of May, A. D. 1951.

JOHN S. FINE

No. 41

AN ACT

To amend section 602 and subsections (a) and (g) of section 607 of the act, approved the seventh day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1368), entitled "An act amending, revising and consolidating the laws relating to delinquent county, city, except of the first and second class and second class A, borough, town, township, school district, except of the first class and school districts within cities of the second class A, and institution district taxes, providing when, how and upon what property, and to what extent liens shall