

classes," is amended by adding immediately prior to the last paragraph thereof, a new paragraph to read:

Section 1. The fees to be received by the clerks of the courts of oyer and terminer, and quarter sessions of this Commonwealth in counties of the third, fourth, fifth, sixth, seventh and eighth classes shall be as follows:

\* \* \*

For receiving and distributing money paid on support orders,  
<sup>1</sup> twenty <sup>2</sup> (20) cents for each payment to be paid by the party ordered  
to pay such money to the office receiving the payment and making the  
distribution.

\* \* \*

Section 2. This act shall take effect immediately.

APPROVED—The 9th day of October, A. D. 1967.

RAYMOND P. SHAFER

No. 168

AN ACT

SB 193

Amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," further regulating contracts, advertising, specifications and bids for certain contracts and bonds for the protection of labor and materialmen and making editorial changes.

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

Section 1. Sections 802 and 802.1, act of May 1, 1933 (P. L. 103), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P. L. 1481), amended May 17, 1957 (P. L. 170), are amended to read:

Section 802. Letting Contracts.—(a) Each township shall have the power to make, to authorize, and to ratify, expenditures for lawful purposes from funds available therefor, by borrowing within legal limitations: Provided, That all contracts or purchases in excess of one thousand five hundred dollars, except those hereinafter mentioned, shall not be made except with and from the lowest responsible bidder, after due notice in one newspaper of general circulation, published or

<sup>1</sup> "twenty" not in original.

<sup>2</sup> "parentheses" not in original.

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.

(b) 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.

(c) The acceptance of bids shall only be made by public announcement at the meeting at which bids are received, or at a subsequent meeting, the time and place of which shall be publicly announced when bids are received. If for any reason one or both of the above meetings shall not be held, the same business may be transacted at subsequent meetings: Provided, That at least five days' notice thereof shall be published in the newspaper aforesaid.

(d) The successful bidder, when advertising is required herein, shall be required to furnish a bond with suitable reasonable requirements, guaranteeing performance of the contract, with sufficient surety in the amount of fifty per centum (50%) of the amount of the contract within twenty days after the contract has been awarded, unless the <sup>1</sup>supervisors shall prescribe a shorter period not less than ten days, and upon failure to furnish such bond within such time, the previous award shall be void. Delivery, accomplishment and guarantees may be required in all cases of expenditures, including the exceptions herein.

(e) The contracts or purchases made by any supervisors involving an expenditure of over one thousand five hundred dollars, which shall not require advertising or bidding as hereinbefore provided, are as follows:

[(a)] (1) Those made for maintenance, repairs or replacements for water, electric light and 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 supervisors as in other cases of work done.

[(b)] (2) Those made for improvements, repairs or 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 road improvement.

<sup>1</sup> "supervisors" in original.

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

[(d)] (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, county, the Commonwealth of Pennsylvania or the Federal Government, or any agency of the Commonwealth or Federal Government, or any municipal authority, including the sale, leasing or loan of any supplies or materials by the Commonwealth, or the Federal Government, or their agencies, but the price thereof, or the expenditure therefor, shall not be in excess of those fixed by the Commonwealth, the Federal Government or their agencies.

[(e)] (5) Those involving personal or professional services.

[(f)] Except as herein provided, no township official, either elected or appointed, who knows, or who by the exercise of reasonable diligence, could know, shall be interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any supplies or materials for the use of the township, or for any work to be done for such township involving the expenditure by the township of more than three hundred dollars (\$300) in any year, but this limitation shall not apply to cases where such officer, or appointee of the township, is an employe of the person, firm or corporation to which the money is to be paid in a capacity with no possible influence on the transaction, and in which he cannot be possibly benefited thereby, either financially or otherwise: Provided, however, That in the case of a supervisor, if he knows that he is within the exception just mentioned, he shall so inform the supervisors and shall refrain from voting on the expenditures, or any ordinance relating thereto, and shall in no manner participate therein: Provided, further, That any such official or appointee who shall knowingly violate this provision shall be subject to surcharge to the extent of the damage shown to be thereby sustained by the township, ouster from office, and shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500): Provided, That, in the case of the purchase of material for the construction, reconstruction, maintenance and improvement of roads and bridges, the contract, which shall be in writing, and shall be let only on standard specifications of the Department of Highways, and materials so purchased shall only be used in accordance with specifications of said department.

Section 802.1. Evasion of Advertising Requirements.—No supervisor or supervisors shall evade the provisions of section eight hundred two as to advertising for bids, by purchasing or contracting for services and personal properties piecemeal for the purpose of obtain-

ing prices under one thousand five hundred dollars upon transactions which should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than one thousand five hundred 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 supervisors who so vote in violation of this provision, and who know that the transaction upon which they so vote is or ought to be 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 supervisor 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 supervisors, this section shall be inapplicable.

Section 2. Section 803 of the act, amended June 30, 1959 (P. L. 491), is amended to read:

Section 803. Bonds for Protection of Labor and Materialmen.—It shall be the duty of every township to require any person, copartnership, association, or corporation, entering into a contract with such township for the construction, erection, installation, completion, alteration, repair of, or addition to, any public work or improvement of any kind whatsoever, where the amount of such contract is in excess of one thousand five hundred dollars, before commencing work under

such contract, to execute and deliver to such township, in addition to any other bond which may now or hereafter be required by law to be given in connection with such contract, an additional bond, for the use of any and every person, copartnership, association, or corporation interested, in a sum not less than fifty per centum and not more than one hundred per centum of the liability under the contract, as such township may prescribe, having as surety thereon one or more surety companies legally authorized to do business in this Commonwealth, conditioned for the prompt payment of all material furnished and labor supplied or performed in the prosecution of the work, whether or not the said material or labor enter in and become component parts of the work or improvement contemplated. Such additional <sup>1</sup> bond shall be deposited with and held by the township for the use of any party interested therein. Every such additional bond shall provide that every person, copartnership, association, or corporation who, whether as subcontractor 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, may sue in assumpsit on said additional bond in the name of the township for his, their,

<sup>1</sup> "bonds" in original.

or its use and prosecute the same to final judgment for such sum or sums as may be justly due him, them, or it, and have execution thereon: Provided, [however,] That the township shall not be liable for the payment of any costs or expense of any suit.

Section 3. Section 804 of the act, reenacted and amended July 10, 1947 (P. L. 1481), is amended to read:

Section 804. Separate Specifications for Branches of Work.—In the preparation of specifications for the erection or alteration of any public building, when the entire cost of such work exceeds one thousand five hundred dollars, the architect, engineer, or person preparing such specifications shall prepare separate specifications for the plumbing, heating, ventilating, and electrical work, and the township shall receive separate bids upon each of such branches of work and award the contract for the same to the lowest responsible bidder.

Section 4. This act shall take effect immediately.

APPROVED—The 9th day of October, A. D. 1967.

RAYMOND P. SHAFER

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No. 169

AN ACT

SB 194

Amending the act of June 24, 1931 (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further regulating contracts, advertising, bids and specifications for contracts and purchases, and bonds for the protection of materialmen.

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

Section 1. Subsection (a) and the first paragraph of subsection (d) of section 1802, and section 1802.1, act of June 24, 1931 (P. L. 1206), known as "The First Class Township Code," reenacted and amended May 27, 1949 (P. L. 1955), and amended May 17, 1957 (P. L. 168), are amended to read:

Section 1802. General Regulations Concerning Contracts.—(a) All contracts or purchases made by any township, involving the expenditure of over one thousand five hundred dollars, except those herein-after 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