

No. 1980-144

AN ACT

SB 1347

Amending the act of June 24, 1931 (P.L.1206, No.331), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," prohibiting fee sharing among township officers, employes and consultants or persons contracting for personal services with the township.

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

Section 1. Section 1802, act of June 24, 1931 (P.L.1206, No.331), known as "The First Class Township Code," reenacted and amended May 27, 1949 (P.L.1955, No.569), is amended by adding a subsection to read:

Section 1802. General Regulations Concerning Contracts.—

* * *

(f) No person, consultant, firm or corporation contracting with a township for purposes of rendering personal or professional services to the township shall share with any township officer or employe, and no township officer or employe shall accept, any portion of the compensation or fees paid by the township for the contracted services provided to the township except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the board of commissioners.

(2) The board of commissioners must approve the sharing of any fee or compensation for personal or professional services prior to the performance of said services.

(3) No fee or compensation for personal or professional services may be shared except for work actually performed.

(4) No shared fee or compensation for personal or professional services may be paid at a rate in excess of that commensurate for similar personal or professional services.

Section 2. Section 1807 of the act is amended to read:

Section 1807. Engineers and Architects Not to Be Interested in Contracts.—It shall be unlawful for any architect or engineer in the employ of a township, and engaged in the preparation of plans, specifications, or estimates, or for any officer or employe of the township, directly or indirectly, to bid on any public work at any letting of such work in such township.

It shall be unlawful for the officers of a township, charged with the duty of letting any public work, to award a contract to any such architect, engineer, officer, or employe in the employ of the township.

It shall be unlawful for any architect, engineer, officer, or employe, in the employ of any township, to be in any wise interested in any contract for public work in such township, or to receive any remuneration or gratuity from any person interested in such contract *except under the terms and conditions as provided in section 1802(f)*.

Any person or persons violating these provisions, or any one of them, shall forfeit his office, and shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, or to undergo imprisonment of not less than six months, or both, in the discretion of the court.

Section 3. This act shall take effect in 60 days.

APPROVED—The 5th day of October, A. D. 1980.

DICK THORNBURGH