

No. 1981-156

AN ACT

HB 1630

Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," further regulating contracts as to advertising requirements.

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

Section 1. Subsections (a) and (e) of section 802 and section 802.1, act of May 1, 1933 (P.L.103, No.69), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P.L.1481, No.567) and amended October 4, 1978 (P.L.1026, No.228), 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 **[two thousand five hundred dollars] four thousand 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 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.

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

(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.

(2) Those made for improvements, repairs or maintenance of any kind, made or provided by any township, through its own employes: Provided, however, That all materials used for road improvement, maintenance and/or construction in excess of **[two thousand five hundred dollars] four thousand dollars** be subject to the advertising requirements contained herein.

(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.

(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.

(5) Those involving personal or professional services.

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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 obtaining prices under **[two thousand five hundred dollars] four thousand dollars** upon transactions which should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than **[two thousand five hundred dollars] four thousand 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 804 of the act, amended October 9, 1967 (P.L.371, No.168), 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] four thousand 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 3. This act shall take effect in 60 days.

APPROVED—The 22nd day of December, A. D. 1981.

DICK THORNBURGH