

No. 1996-192

AN ACT

HB 2312

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," further providing for contracts.

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

Section 1. Section 1802 (a) and (c) of the 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) and amended May 10, 1951 (P.L.255, No.40) and June 26, 1995 (P.L.66, No.13), are amended to read:

Section 1802. General Regulations Concerning Contracts.—(a) All contracts or purchases made by any township, involving the expenditure of over ten thousand dollars, except those hereinafter mentioned, shall not be made except with and from the lowest responsible bidder, 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 two 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 more than forty-five days and the second advertisement not less than ten days prior to the date fixed for the opening of bids. Advertisements for contracts or purchases shall also be posted in a conspicuous place within the township. Advertisements for contracts or purchases shall contain the date, time and location for opening of bids *and shall state the amount of the performance bond determined under subsection (c)*. 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.~~

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(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~~] *an amount as determined by the township commissioners which shall be not less than ten per centum nor more than one hundred*

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.

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Section 2. This act shall take effect in 60 days.

APPROVED—The 20th day of December, A.D. 1996.

THOMAS J. RIDGE