

No. 1998-104

AN ACT

SB 670

Amending the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods where no bids are received," providing for the sale of real and personal property.

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

Section 1. The title and sections 1, 2, 3 and 4 of the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods where no bids are received," are amended to read:

AN ACT

Authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods *and the sale of real and personal property* where no bids are received.

Section 1. *Nonreceipt of bids.*

(a) Purchase of goods.—When a political subdivision, municipality authority or transportation authority advertises for bids on an item and no bids are received, the political subdivision, municipality authority or transportation authority shall rebid the item. If again such bids are not received, the political subdivision, municipality authority or transportation authority may purchase or enter into contracts for the purchase of any item where no bids are received from suppliers for the item within 45 days of the date of second advertisement therefor.

(b) Sale of property.—When a political subdivision, municipality authority or transportation authority is required to advertise for bids in order to sell real or personal property and no bids are received, the political subdivision, municipality authority or transportation authority may proceed as follows:

(1) The political subdivision, municipality authority or transportation authority may advertise for bids a second time.

(2) If no bids are received within 15 days of the second advertisement, the political subdivision, municipality authority or transportation authority may initiate negotiations for a private sale of the property, taking into consideration its fair market value.

(3) The political subdivision, municipality authority or transportation authority must publicly announce the identity of the parties, the sale price and a summary of the other terms and conditions relating to any

proposed private sale at a regular or special meeting of its governing body.

(4) After the public announcement of the sale is made in accordance with paragraph (3), at least 30 days must elapse before a political subdivision, municipality authority or transportation authority may authorize the private sale in accordance with this subsection.

Section 2. *Applicability of act.*

The provisions of [the] *this* act shall apply only when such political subdivision, municipality authority or transportation authority has complied with the provisions of law as to advertising for bids and no bids were submitted.

Section 3. *Repeals.*

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 4. *Effective date.*

This act shall take effect immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 24th day of November, A.D. 1998.

THOMAS J. RIDGE