

No. 1980-34

AN ACT

HB 1057

Amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," prohibiting fee sharing among borough officers, employes and consultants or persons contracting for personal services with the borough.

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

Section 1. Section 1402, act of February 1, 1966 (1965 P.L.1656, No.581), known as "The Borough Code," is amended by adding a subsection to read:

Section 1402. Regulation of Contracts.—* * *

(f) No person, consultant, firm or corporation contracting with the borough for purposes of rendering personal or professional services to the borough shall share with any borough officer or employe, and no borough officer or employe shall accept, any portion of the compensation or fees paid by the borough for the contracted services provided to the borough 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 council of the borough.

(2) The council of the borough 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 1411 of the act is amended to read:

Section 1411. Architects and Engineers Employed Prohibited From Bidding on Public Works; Penalty.—It shall be unlawful for any architect or engineer, in the employ of any borough, and engaged in the preparation of plans, specifications or estimates, to bid on any public work at any letting of such work by the borough, except that any such architect or engineer who shall have prepared preliminary plans only shall not be prohibited from bidding on the final contract for such work.

It shall be unlawful for the officers of any borough charged with the duty of letting any public work, to award a contract to any such architect or engineer, in the employ of the borough to be in anywise interested in any contract for public work for the borough or to

receive any remuneration or gratuity from any person interested in such contract *except under the terms and conditions as provided in section 1402(f)*.

Any person violating any of the provisions of this section 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 (\$500), or to undergo imprisonment for not more than six months, or both.

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

APPROVED—The 6th day of April, A. D. 1980.

DICK THORNBURGH