

No. 1982-254

AN ACT

SB 1019

Amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, "An act relating to counties of the second class and second class A; amending, revising, consolidating and changing the laws relating thereto," further providing for contracts, defining first and second class counties and for agreements concerning land not needed for airport purposes.

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

Section 1. Section 210, act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code," amended October 20, 1967 (P.L.472, No.224), is amended to read:

Section 210. Counties Divided Into Nine Classes.—For the purposes of legislation and the regulation of their affairs, counties of this Commonwealth, now in existence and those hereafter created, shall be divided into nine classes as follows:

(1) First Class Counties, those having a population of [1,800,000] 1,500,000 inhabitants and over.

(2) Second Class Counties, those having a population of 800,000 and more but less than [1,800,000] 1,500,000 inhabitants.

(2.1) Second Class A Counties, those having a population of 500,000 and more but less than 800,000 inhabitants.

(3) Third Class Counties, those having a population of 250,000 and more but less than 500,000 inhabitants.

(4) Fourth Class Counties, those having a population of 150,000 and more but less than 250,000 inhabitants.

(5) Fifth Class Counties, those having a population of 95,000 and more but less than 150,000 inhabitants.

(6) Sixth Class Counties, those having a population of 45,000 and more but less than 95,000 inhabitants.

(7) Seventh Class Counties, those having a population of 20,000 or more but less than 45,000 inhabitants.

(8) Eighth Class Counties, those having a population of less than 20,000 inhabitants.

Section 2. Subsection (c) of section 2001 of the act, amended November 26, 1978 (P.L.1219, No.290), is amended and a subsection is added to read:

Section 2001. County Commissioners to Make Contracts.—The County Commissioners may make contracts for lawful purposes and for the purposes of carrying into execution the provisions of this section and the laws of the Commonwealth.

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(b.1) All bids may if required by the commissioners be accompanied by cash or by a certified good faith check drawn upon a bank authorized

to do business in the Commonwealth, in an amount not exceeding five per centum (5%) of the bid or by a bond with corporate surety not exceeding five per centum (5%) of the amount bid. In the event any bidder shall, upon award of the contract to him, fail to comply with the requirements hereinafter stated as to a bond guaranteeing the performance of the contract, or fail or refuse to enter into a contract, or otherwise fail or refuse to render the required services, the good faith deposit by cash, certified check or bond shall be forfeited to the county as liquidated damages, and the contract subsequently may be awarded to the next lowest bidder, who shall manifest his acceptance of such contract by giving a good faith deposit in the amount and manner set forth in this subsection on or before the third day after the award of the contract to such bidder and otherwise comply with the provisions of this section.

(c) The successful bidder, when advertising is required herein, shall be required to furnish a bond with suitable reasonable requirements guaranteeing performance of the contract, with sufficient surety in the amount of fifty per centum (50%) of the amount of the contract, within **[sixty (60)] thirty (30)** days after the contract has been awarded, unless the commissioners shall prescribe a shorter period **[of not less than ten (10) days, and upon] or unless the commissioners shall waive the bond requirement in the bid specification.** Upon failure to furnish **[such] any required** bond within such time, the previous awards shall be void **and the commissioners may award the contract to the next lowest bidder.** Deliveries, accomplishment and guarantees may be required in all cases of expenditures, including the exceptions herein.

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Section 3. Section 2404 of the act is amended to read:

Section 2404. Agreements for Air Navigation and Terminal Facilities.—The county acquiring land for any air navigation and terminal facilities may enter into agreements in the form of a lease, permit, license, concession or otherwise for the use of the same or part thereof, for an adequate consideration, with any person or corporation desiring to use the same for any air navigation and terminal purpose or of any air navigation and terminal facility, *or for any nonaviation purpose; provided that all such agreements for nonaviation purposes shall be for terms of less than fifty (50) years and may involve only land designated in the county's airport master plan as not needed for airport purposes within the term of the lease,* on such terms and subject to such conditions and regulations as may be provided. The county may enter into a contract in the form of a lease or otherwise providing for the use of said land or any part thereof by the government of the United States for air-mail delivery or other air navigation and terminal purposes, upon nominal rental or without consideration.

Section 4. This act shall take effect in 60 days.

APPROVED—The 10th day of December, A. D. 1982.

DICK THORNBURGH