

No. 1990-10

## AN ACT

HB 714

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," further providing for advertising and bidding relating to contracts.

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

Section 1. Section 1402(a) and (b) of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, amended December 22, 1981 (P.L.537, No.155), are amended to read:

Section 1402. Regulation of Contracts.—(a) All contracts or purchases in excess of four thousand dollars (\$4,000), 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 in the borough, at least **[three] two** times at intervals of not less than three days where daily newspapers of general circulation are available for such publication, in case of weekly newspapers, such notice 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 borough.* 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 borough 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. In awarding bids, council shall have the right to take into consideration such other factors as the availability, cost and quality of service.

(b) The acceptance of bids shall only be made by public announcement at the meeting at which bids are received, or at a subsequent meeting, the time and place of which shall be publicly announced when bids are received. If for any reason one or both of the above meetings shall not be held, the same business may be transacted at any subsequent meeting if at least five days' notice thereof shall be published in the newspaper aforesaid. **[Council may request that a certified check, in an amount to be determined, by it, shall accompany every bid and, when requested, no bid shall be considered unless so accompanied.]** *At council's request, all bids advertised for shall be accompanied by cash, money order, a certified or cashier's good faith check, or a bond with corporate surety in such amount as council shall determine, and, when requested, no bid shall be considered unless so accompanied.*

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

APPROVED—The 14th day of February, A. D. 1990.

ROBERT P. CASEY