

reels, or stereopticon views or slides; providing a system of examination, approval, and regulation thereof, and of the banners, posters, and other like advertising matter used in connection therewith; creating the Board of Censors; and providing penalties for the violation of this act," is repealed.

All other acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 16. Appropriation.—The sum of seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary, is hereby appropriated to the Department of Public Instruction for the enforcement of this act.

Act effective immediately.

Section 17. Effective Date.—This act shall take effect immediately.

APPROVED—The 17th day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 359

AN ACT

Amending the act of June 23, 1931 (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," changing the provisions relating to bond required in awarding contracts and further regulating checks accompanying bids.

The Third Class City Code.

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

Section 1901, act of June 23, 1931, P. L. 932, reenacted and amended June 28, 1951, P. L. 662 and May 6, 1957, P. L. 105, further amended.

Section 1. Section 1901, act of June 23, 1931 (P. L. 932), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P. L. 662) and amended May 6, 1957 (P. L. 105), is amended to read:

Section 1901. Power to Make Contracts; Regulations Concerning Contracts.—(a) Each city may make contracts for carrying into execution the *provisions of this act and the laws of the Commonwealth. The council shall, by ordinance, provide for and regulate the award of all contracts. No contract shall be entered into or purchase made by the city in an amount involving more than two hundred dollars except upon council's approval thereof. All contracts or purchases not in excess of one thousand dollars shall be by note or memorandum in writing, signed by the officer or employe making the purchase or contract.

(b) All services and personal properties required by any city, or any department thereof, where the amount

* "provision" in original.

exceeds the sum of one thousand dollars, shall be furnished and performed under written contract, and the contract shall be awarded and given to the lowest responsible bidder, after advertising three times, each publication on a different day, in not more than two newspapers, in accord with the provisions of section one hundred and nine of this act, and the bids shall not be opened until at least ten days have elapsed after the first advertisement.

(c) 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 city 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.

(d) The contracts or purchases made by council involving an expenditure of over one thousand dollars, which shall not require advertising or bidding, as heretofore provided are as follows:

(1) Those for maintenance, repairs or replacements for water, electric light or other public works of the city, provided they do not constitute new additions, extensions or enlargements of existing facilities and equipment, but a bond may be required by council as in other cases of work done.

(2) Those made for improvements, repairs and maintenance of any kind made or provided by any city through its own employes: Provided, however, That this shall not apply to construction materials used in a street improvement.

(3) Those where particular types, models or pieces of new equipment, articles, apparatus, appliances, vehicles, or parts thereof, are desired by council, which are patented and manufactured or copyrighted products.

(4) Those involving any policies of insurance or surety company bonds; those made for public utility service under tariffs on file with the Pennsylvania Public Utility Commission; those made with another political subdivision or a county, the Commonwealth of Pennsylvania, the Federal government, any agency of the Commonwealth or the Federal government, or any municipal authority, including the sale, leasing or loan of any supplies or materials by the Commonwealth or the Federal government, or their agencies, but the price thereof shall not be in excess of that fixed by the Commonwealth, the Federal government, or their agencies.

(5) Those involving personal or professional services.

(e) The acceptance of bids by advertising required herein shall be made by public announcement at the

meeting at which bids are received by council or at a subsequent meeting, the time and place of which shall be publicly announced when bids are so received. If, for any reason, the award is not made at either of the above meetings, the same business may be transacted at a subsequent meeting, the time and place of which shall be announced at the previous meeting held for such award. At such third meeting, the council shall either award the contract or shall reject all bids.

(f) All bids advertised for shall be accompanied by cash, by a certified or cashier's good faith check [drawn upon a bank authorized to do business in this Commonwealth] in an amount required by council but at least ten per centum of the bid, or by a bond with corporate surety in such amount as council shall determine but not less than ten per centum 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 the good faith deposit by cash, certified check, or bond, shall be forfeited to the city as liquidated damages.

(g) Where advertising is required herein, the successful bidder shall be required to furnish a bond with suitable reasonable requirements guaranteeing the performance of the contract, with surety sufficient to council, within twenty days after the contract has been awarded, unless council prescribes a shorter period of not less than ten days, and failure to furnish such bond within such time shall avoid the award. *The provisions of this subsection requiring successful bidders to furnish bond shall not be mandatory as to contracts for the purchase of motor vehicles or other pieces of equipment but only as to those contracts which involve furnishing of labor and materials.* Council may in all cases of contracts or purchases require bonds for performance, delivery, or other terms.

(h) Where the roadway of a street is to be paved originally and for the first time, or reconstructed by putting down a new base, or a sewer is to be constructed, or grading done, such work shall be done under written contract, after advertising as provided in section one hundred and nine of this act, and such contract shall be given to the lowest responsible bidder.

(i) The council may, by ordinance, provide for and regulate the purchase of supplies and materials and the sale of personal property.

(j) The council may also, by ordinance, provide a contingent fund or funds for necessary repairs and in-

cidental expenses, not otherwise provided in the general appropriations, and such funds may be expended without advertising for bids.

APPROVED—The 17th day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 360

AN ACT

Amending the act of May 22, 1935 (P. L. 233), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired, and disabled employees of the Bureau of Police in cities of the second class; providing a pension fund for said employees; and providing for the payment of certain dues, fees, assessments, fines, and appropriations thereto; regulating membership therein; creating a board for the management thereof; providing the amount, mode, and manner of payment to beneficiaries thereof, and for the care and disposition of said fund; providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds, organizations, corporations, or associations having the same or similar purposes, and of such additional monies as may be necessary to carry out the provisions of this act," regulating credit for pension for previous employment by the city other than in the Bureau of Police, and pensions of employees employed within the Bureau of Police and less than five years, and further regulating pensions of reinstated members.

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

Cities of second class.

Section 1. The act of May 22, 1935 (P. L. 233), entitled "An act creating and establishing a fund for the care, maintenance, and relief of aged, retired, and disabled employees of the Bureau of Police in cities of the second class; providing a pension fund for said employees; and providing for the payment of certain dues, fees, assessments, fines, and appropriations thereto; regulating membership therein; creating a board for the management thereof; providing the amount, mode, and manner of payment to beneficiaries thereof, and for the care and disposition of said fund; providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds, organizations, corporations, or associations having the same or similar purposes, and of such additional monies as may be necessary to carry out the provisions of this act," is amended by adding, after section 10, a new section to read:

Act of May 22, 1935, P. L. 233, amended by adding a new section 10.1.

Section 10.1. Each person who shall become an employee of the Bureau of Police, after having been employed by the city other than in the Bureau of Police,