

or its use and prosecute the same to final judgment for such sum or sums as may be justly due him, them, or it, and have execution thereon: Provided, [however,] That the township shall not be liable for the payment of any costs or expense of any suit.

Section 3. Section 804 of the act, reenacted and amended July 10, 1947 (P. L. 1481), is amended to read:

Section 804. Separate Specifications for Branches of Work.—In the preparation of specifications for the erection or alteration of any public building, when the entire cost of such work exceeds one thousand five hundred dollars, the architect, engineer, or person preparing such specifications shall prepare separate specifications for the plumbing, heating, ventilating, and electrical work, and the township shall receive separate bids upon each of such branches of work and award the contract for the same to the lowest responsible bidder.

Section 4. This act shall take effect immediately.

APPROVED—The 9th day of October, A. D. 1967.

RAYMOND P. SHAFER

No. 169

AN ACT

SB 194

Amending the act of June 24, 1931 (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further regulating contracts, advertising, bids and specifications for contracts and purchases, and bonds for the protection of materialmen.

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

Section 1. Subsection (a) and the first paragraph of subsection (d) of section 1802, and section 1802.1, act of June 24, 1931 (P. L. 1206), known as "The First Class Township Code," reenacted and amended May 27, 1949 (P. L. 1955), and amended May 17, 1957 (P. L. 168), are amended to read:

Section 1802. General Regulations Concerning Contracts.—(a) All contracts or purchases made by any township, involving the expenditure of over one thousand five hundred dollars, except those herein-after mentioned, shall be in writing, and shall be made only after notice by the secretary, published, in one newspaper of general circulation, published or circulating in the county in which the township is situated, at least three times at intervals of not less than three days where daily newspapers of general circulation are employed for such

publication, or in case weekly newspapers are employed then the notice shall be published once a week for two successive weeks. The first advertisement shall be published not less than ten days prior to the date fixed for the opening of bids. All plans and specifications shall be on file at least ten days in advance of opening bids. 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 township 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 the commissioners involving an expenditure of over one thousand five hundred dollars, which shall not require advertising or bidding, as hereinbefore provided, are as follows:

* * *

Section 1802.1. Evasion of Advertising Requirements.—No commissioner or commissioners shall evade the provisions of section one thousand eight hundred two as to advertising for bids, by purchasing or contracting for services and personal properties piecemeal for the purpose of obtaining prices under one thousand five hundred dollars upon transactions, which transactions should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than one thousand five hundred dollars. This provision is intended to make unlawful the evading of advertising requirements by making a series of purchases or contracts, each for less than the advertising requirement price, or by making several simultaneous purchases or contracts, each below said price, when in either case, the transactions involved should have been made as one transaction for one price. Any commissioners who so vote in violation of this provision, and who know that the transaction upon which they so vote is or ought to be a part of a larger transaction, and that it is being divided in order to evade the requirements as to advertising for bids, shall be jointly and severally subject to surcharge for ten per centum of the full amount of the contract or purchase. Whenever it shall appear that a commissioner may have voted in violation of this section, but the purchase or contract on which he so voted was not approved by the board of commissioners, this section shall be inapplicable.

Section 2. Section 1804 of the act, amended June 30, 1959 (P. L. 490), is amended to read:

Section 1804. Bonds for Protection of Labor and Materialmen.—It shall be the duty of every township to require any person, copartnership, association, or corporation, entering into a contract with such township for the construction, erection, installation, completion, alter-

ation, repair of or addition to any public work or improvement of any kind whatsoever, where the amount of such contract is in excess of [one thousand dollars (\$1000)] one thousand five hundred dollars

¹ (\$1,500) before commencing work under such contract, to execute and deliver to such township, in addition to any other bond which may now or hereafter be required by law to be given in connection with such contract, an additional bond for the use of any and every person, copartnership, association, or corporation interested, in a sum not less than fifty per centum (50%) and not more than one hundred per centum (100%) of the contract price, as such township may prescribe, having as surety thereon one or more surety companies legally authorized to do business in this Commonwealth, conditioned for the prompt payment of all material furnished and labor supplied or performed in the prosecution of the work, whether or not the said material or labor enter in and become component parts of the work or improvement contemplated. Such additional bond shall be deposited with and held by the township for the use of any party interested therein. Every such additional bond shall provide that every person, copartnership, association, or corporation, who, whether as subcontractor or otherwise, has furnished material or supplied or performed labor in the prosecution of the work as above provided, and who has not been paid therefor, may sue in assumpsit on said additional bond, in the name of the township, for his, their, or its use and prosecute the same to final judgment for such sum or sums as may be justly due him, them, or it, and have execution thereon: Provided, however, That the township shall not be liable for the payment of any costs or expense of any suit.

Section 3. Section 1805 of the act, reenacted and amended May 27, 1949 (P. L. 1955), is amended to read:

Section 1805. Separate Specifications for Branches of Work.—In the preparation of specifications for the erection or alteration of any public building, when the entire cost of such work exceeds one thousand five hundred dollars, the architect, engineer, or person preparing such specifications shall prepare separate specifications for the plumbing, heating, ventilating, and electrical work, and the township shall receive separate bids upon each of such branches of work, and award the contract for the same to the lowest responsible bidder.

Section 4. This act shall take effect immediately.

APPROVED—The 9th day of October, A. D. 1967.

RAYMOND P. SHAFER

¹ “(\$1,500)” not in original.