
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

 HOUSE BILL

 No. 278 Session of
2011

INTRODUCED BY M. K. KELLER, AUMENT, BAKER, BEAR, BENNINGHOFF, BLOOM, BOBACK, BOYD, BROOKS, CAUSER, CHRISTIANA, CLYMER, COX, CREIGHTON, CUTLER, DELOZIER, DENLINGER, ELLIS, EVERETT, FARRY, FLECK, GABLER, GEIST, GILLESPIE, GINGRICH, GRELL, GROVE, HALUSKA, HARHART, HARPER, HARRIS, HELM, HENNESSEY, HESS, HICKERNELL, KAUFFMAN, KILLION, KNOWLES, MAJOR, MARSHALL, MARSICO, MASSER, METCALFE, MILLARD, MILLER, MOUL, OBERLANDER, O'NEILL, PAYNE, PEIFER, PERRY, PICKETT, PYLE, QUIGLEY, QUINN, RAPP, REED, REICHLEY, ROAE, ROCK, ROSS, SAYLOR, SCAVELLO, CULVER, SCHRODER, SIMMONS, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, TOBASH, TRUITT, TURZAI, VEREB, VULAKOVICH, WATSON, TOEPEL, F. KELLER AND MIRABITO, JANUARY 27, 2011

SENATOR EICHELBERGER, LOCAL GOVERNMENT, IN SENATE, AS AMENDED, SEPTEMBER 27, 2011

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as
2 reenacted and amended, "An act concerning townships of the
3 second class; and amending, revising, consolidating and
4 changing the law relating thereto," in contracts, further
5 providing for competitive bidding of contracts.

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

8 ~~Section 1. Section 3102(a), (b) and (h) of the act of May 1,~~ ←
9 ~~1933 (P.L.103, No.69), known as The Second Class Township Code,~~
10 ~~reenacted and amended November 9, 1995 (P.L.350, No.60), and~~
11 ~~amended December 18, 1996 (P.L.1142, No.172), December 19, 1996~~
12 ~~(P.L.1412, No.181) and October 11, 2000 (P.L.535, No.70), are~~
13 ~~amended and the section is amended by adding a subsection to~~

1 read:

2 Section 3102. Letting Contracts. (a) All contracts or
3 purchases in excess of the required advertising base amount of
4 [ten thousand dollars (\$10,000)] twenty five thousand dollars
5 (\$25,000), subject to adjustment under subsection (b.1), except
6 those specifically excluded, shall not be made except with and
7 from the lowest responsible bidder after due notice in one
8 newspaper of general circulation in the township. The notice for
9 bids shall be published at least two times at intervals of not
10 less than three days in daily newspapers or once a week for two
11 successive weeks in weekly newspapers. The first advertisement
12 shall be published not more than forty five days, and the second
13 advertisement not less than ten days, before the date set for
14 the opening of bids. Notice of proposed contracts or purchases
15 shall also be posted where the board of supervisors normally
16 meets or in a conspicuous place within the township. Any
17 published notice for bids shall contain full plans and
18 specifications, or refer to the places where copies thereof can
19 be obtained, state the amount of the performance bond determined
20 under subsection (g) and give the date, time and place of a
21 meeting at which an individual or committee appointed by the
22 board of supervisors or the board of supervisors will open and
23 read the bids.

24 (b) Written or telephonic price quotations from at least
25 three qualified and responsible contractors shall be requested
26 for all contracts [that exceed four thousand dollars (\$4,000)]
27 in excess of the base amount of ten thousand dollars (\$10,000),
28 subject to adjustment under subsection (b.1), but are less than
29 the amount requiring advertisement and competitive bidding, or,
30 in lieu of price quotations, a memorandum shall be kept on file

1 ~~showing that fewer than three qualified contractors exist in the~~
2 ~~market area within which it is practicable to obtain quotations.~~
3 ~~A written record of telephonic price quotations shall be made~~
4 ~~and shall contain at least the date of the quotation, the name~~
5 ~~of the contractor and the contractor's representative, the~~
6 ~~construction, reconstruction, repair, maintenance or work which~~
7 ~~was the subject of the quotation and the price. Written price~~
8 ~~quotations, written records of telephonic price quotations and~~
9 ~~memoranda shall be retained for a period of three years.~~

10 ~~(b.1) Adjustments to the base amounts specified under~~
11 ~~subsections (a) and (b) shall be made as follows:~~

12 ~~(1) The Department of Labor and Industry shall determine the~~
13 ~~percentage change in the All Items Consumer Price Index for All~~
14 ~~Urban Consumers (CPI U) for the United States City Average as~~
15 ~~published by the United States Department of Labor, Bureau of~~
16 ~~Labor Statistics for the twelve month period ending September 30~~
17 ~~of the calendar year in which this subsection becomes effective,~~
18 ~~and for each successive twelve month period thereafter.~~

19 ~~(2) If the department determines that there is no positive~~
20 ~~percentage change, then no adjustment to the base amounts shall~~
21 ~~occur for the relevant time period provided for in this~~
22 ~~subsection.~~

23 ~~(3) (i) If the department determines that there is a~~
24 ~~positive percentage change in the first year that the~~
25 ~~determination is made under paragraph (1), the positive~~
26 ~~percentage change shall be multiplied by each base amount and~~
27 ~~the products shall be added to the base amounts, respectively,~~
28 ~~and the sums shall be preliminary adjusted amounts.~~

29 ~~(ii) The preliminary adjusted amounts shall be rounded to~~
30 ~~the nearest one thousand dollars (\$1,000), to determine the~~

1 ~~final adjusted base amounts for purposes of subsections (a) and~~
2 ~~(b).~~

3 ~~(4) In each successive year in which there is a positive~~
4 ~~percentage change in the CPI-U for the United States City~~
5 ~~Average, the positive percentage change shall be multiplied by~~
6 ~~the most recent preliminary adjusted amounts and the products~~
7 ~~shall be added to the most recent preliminary adjusted amounts,~~
8 ~~respectively. The sums thereof shall be rounded to the nearest~~
9 ~~one thousand dollars (\$1,000) to determine the new final~~
10 ~~adjusted base amounts for purposes of subsections (a) and (b).~~

11 ~~(5) The determinations and adjustments required under this~~
12 ~~subsection shall be made in the period between October 1 and~~
13 ~~November 15 of the year following the effective date of this~~
14 ~~subsection, and annually between October 1 and November 15 of~~
15 ~~each year thereafter.~~

16 ~~(6) The final adjusted base amounts and new final adjusted~~
17 ~~base amounts obtained under paragraphs (3) and (4) shall become~~
18 ~~effective January 1 for the calendar year following the year in~~
19 ~~which the determination required under paragraph (1) is made.~~

20 ~~(7) The department shall publish notice in the Pennsylvania~~
21 ~~Bulletin prior to January 1 of each calendar year of the annual~~
22 ~~percentage change determined under paragraph (1) and the~~
23 ~~unadjusted or final adjusted base amounts determined under~~
24 ~~paragraphs (3) and (4) at which competitive bidding is required~~
25 ~~under subsection (a) and written or telephonic price quotations~~
26 ~~are required under subsection (b), respectively, for the~~
27 ~~calendar year beginning the first day of January after~~
28 ~~publication of the notice. The notice shall include a written~~
29 ~~and illustrative explanation of the calculations performed by~~
30 ~~the department in establishing the unadjusted or final adjusted~~

1 ~~base amounts under this subsection for the ensuing calendar~~
2 ~~year.~~

3 ~~* * *~~

4 ~~(h) The contracts or purchases made by the board of~~
5 ~~supervisors involving payments in excess of the required~~
6 ~~advertising amount, which do not require advertising, bidding or~~
7 ~~price quotations are as follows:~~

8 ~~(1) Those made for emergency, or routine maintenance,~~
9 ~~repairs or replacements for water, electric light and other~~
10 ~~public works of the township if they do not constitute new~~
11 ~~additions, extensions or enlargements of existing facilities and~~
12 ~~equipment.~~

13 ~~(2) Those made for improvements, repairs or maintenance of~~
14 ~~any kind made or provided by any township through its own~~
15 ~~employees. All contracts or purchases of materials used for~~
16 ~~improvement, maintenance or construction [in excess of four~~
17 ~~thousand dollars (\$4,000) but less than the required advertising~~
18 ~~amount] are subject to the provisions contained in subsection~~
19 ~~(a) and (b) [, and those contracts or purchases in excess of the~~
20 ~~required advertising amount are subject to the advertising~~
21 ~~requirements contained in subsection (a)].~~

22 ~~(3) Those involving any policies of insurance or surety~~
23 ~~company bonds, those made for public utility service, those made~~
24 ~~for electricity, natural gas or telecommunications service~~
25 ~~either directly or with an association authorized under Article~~
26 ~~XIV in which the township is a member and those made with~~
27 ~~another municipal corporation, county, school district or~~
28 ~~municipality authority or Federal or State Government, including~~
29 ~~the sale, leasing or loan of any supplies or materials by the~~
30 ~~Federal or State Government or their agencies.~~

1 ~~(4) Those involving personal or professional services.~~

2 ~~(5) Those made for materials and supplies or equipment~~
3 ~~rental under emergency conditions under 35 Pa.C.S. Pt. V~~
4 ~~(relating to emergency management services).~~

5 ~~(6) Those contracts involving equipment rental with~~
6 ~~operators if more than fifty percent of the total labor~~
7 ~~personnel hours required for the completion of the contract is~~
8 ~~supplied by the township through its own employes.~~

9 ~~(7) Those contracts for the purchase of repair parts or~~
10 ~~materials for use in existing township equipment or facilities~~
11 ~~if the item or material to be purchased is the sole item of its~~
12 ~~kind on the market or is manufactured as a replacement for the~~
13 ~~original item or equipment being repaired.~~

14 ~~(8) Those for used equipment, articles, apparatus,~~
15 ~~appliances, vehicles or parts thereof being purchased from a~~
16 ~~public utility.~~

17 ~~(9) Those where particular types, models or pieces of~~
18 ~~equipment, articles, apparatus, appliances, vehicles or parts~~
19 ~~thereof which are patented and manufactured products.~~

20 * * *

21 ~~Section 2. This act shall apply to contracts and purchases~~
22 ~~advertised after December 31 of the year in which this section~~
23 ~~takes effect.~~

24 ~~Section 3. This act shall take effect immediately.~~

25 SECTION 1. SECTION 3102(A), (B) AND (H) OF THE ACT OF MAY 1, ←
26 1933 (P.L.103, NO.69), KNOWN AS THE SECOND CLASS TOWNSHIP CODE,
27 REENACTED AND AMENDED NOVEMBER 9, 1995 (P.L.350, NO.60) AND
28 AMENDED DECEMBER 18, 1996 (P.L.1142, NO.172), DECEMBER 19, 1996
29 (P.L.1412, NO.181) AND OCTOBER 11, 2000 (P.L.535, NO.70), ARE
30 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO

1 READ:

2 SECTION 3102. LETTING CONTRACTS.-- (A) ALL CONTRACTS OR
3 PURCHASES IN EXCESS OF THE REQUIRED ADVERTISING BASE AMOUNT OF
4 [TEN THOUSAND DOLLARS (\$10,000)] EIGHTEEN THOUSAND FIVE HUNDRED
5 DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SUBSECTION (B.1),
6 EXCEPT THOSE SPECIFICALLY EXCLUDED, SHALL NOT BE MADE EXCEPT
7 WITH AND FROM THE LOWEST RESPONSIBLE BIDDER AFTER DUE NOTICE IN
8 ONE NEWSPAPER OF GENERAL CIRCULATION IN THE TOWNSHIP. THE NOTICE
9 FOR BIDS SHALL BE PUBLISHED AT LEAST TWO TIMES AT INTERVALS OF
10 NOT LESS THAN THREE DAYS IN DAILY NEWSPAPERS OR ONCE A WEEK FOR
11 TWO SUCCESSIVE WEEKS IN WEEKLY NEWSPAPERS. THE FIRST
12 ADVERTISEMENT SHALL BE PUBLISHED NOT MORE THAN FORTY-FIVE DAYS,
13 AND THE SECOND ADVERTISEMENT NOT LESS THAN TEN DAYS, BEFORE THE
14 DATE SET FOR THE OPENING OF BIDS. NOTICE OF PROPOSED CONTRACTS
15 OR PURCHASES SHALL ALSO BE POSTED WHERE THE BOARD OF SUPERVISORS
16 NORMALLY MEETS OR IN A CONSPICUOUS PLACE WITHIN THE TOWNSHIP.
17 ANY PUBLISHED NOTICE FOR BIDS SHALL CONTAIN FULL PLANS AND
18 SPECIFICATIONS, OR REFER TO THE PLACES WHERE COPIES THEREOF CAN
19 BE OBTAINED, STATE THE AMOUNT OF THE PERFORMANCE BOND DETERMINED
20 UNDER SUBSECTION (G) AND GIVE THE DATE, TIME AND PLACE OF A
21 MEETING AT WHICH AN INDIVIDUAL OR COMMITTEE APPOINTED BY THE
22 BOARD OF SUPERVISORS OR THE BOARD OF SUPERVISORS WILL OPEN AND
23 READ THE BIDS.

24 (B) WRITTEN OR TELEPHONIC PRICE QUOTATIONS FROM AT LEAST
25 THREE QUALIFIED AND RESPONSIBLE CONTRACTORS SHALL BE REQUESTED
26 FOR ALL CONTRACTS [THAT EXCEED FOUR THOUSAND DOLLARS (\$4,000)]
27 IN EXCESS OF THE BASE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000),
28 SUBJECT TO ADJUSTMENT UNDER SUBSECTION (B.1), BUT ARE LESS THAN
29 THE AMOUNT REQUIRING ADVERTISEMENT AND COMPETITIVE BIDDING, OR,
30 IN LIEU OF PRICE QUOTATIONS, A MEMORANDUM SHALL BE KEPT ON FILE

1 SHOWING THAT FEWER THAN THREE QUALIFIED CONTRACTORS EXIST IN THE
2 MARKET AREA WITHIN WHICH IT IS PRACTICABLE TO OBTAIN QUOTATIONS.
3 A WRITTEN RECORD OF TELEPHONIC PRICE QUOTATIONS SHALL BE MADE
4 AND SHALL CONTAIN AT LEAST THE DATE OF THE QUOTATION, THE NAME
5 OF THE CONTRACTOR AND THE CONTRACTOR'S REPRESENTATIVE, THE
6 CONSTRUCTION, RECONSTRUCTION, REPAIR, MAINTENANCE OR WORK WHICH
7 WAS THE SUBJECT OF THE QUOTATION AND THE PRICE. WRITTEN PRICE
8 QUOTATIONS, WRITTEN RECORDS OF TELEPHONIC PRICE QUOTATIONS AND
9 MEMORANDA SHALL BE RETAINED FOR A PERIOD OF THREE YEARS.

10 (B.1) ADJUSTMENTS TO THE BASE AMOUNTS SPECIFIED UNDER
11 SUBSECTIONS (A) AND (B) SHALL BE MADE AS FOLLOWS:

12 (1) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL DETERMINE THE
13 PERCENTAGE CHANGE IN THE ALL ITEMS CONSUMER PRICE INDEX FOR ALL
14 URBAN CONSUMERS (CPI-U) FOR THE UNITED STATES CITY AVERAGE AS
15 PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
16 LABOR STATISTICS FOR THE TWELVE-MONTH PERIOD ENDING SEPTEMBER
17 30, 2012, AND FOR EACH SUCCESSIVE TWELVE-MONTH PERIOD
18 THEREAFTER.

19 (2) IF THE DEPARTMENT DETERMINES THAT THERE IS NO POSITIVE
20 PERCENTAGE CHANGE, THEN NO ADJUSTMENT TO THE BASE AMOUNTS SHALL
21 OCCUR FOR THE RELEVANT TIME PERIOD PROVIDED FOR IN THIS
22 SUBSECTION.

23 (3) (I) IF THE DEPARTMENT DETERMINES THAT THERE IS A
24 POSITIVE PERCENTAGE CHANGE IN THE FIRST YEAR THAT THE
25 DETERMINATION IS MADE UNDER PARAGRAPH (1), THE POSITIVE
26 PERCENTAGE CHANGE SHALL BE MULTIPLIED BY EACH BASE AMOUNT AND
27 THE PRODUCTS SHALL BE ADDED TO THE BASE AMOUNTS, RESPECTIVELY,
28 AND THE SUMS SHALL BE PRELIMINARY ADJUSTED AMOUNTS.

29 (II) THE PRELIMINARY ADJUSTED AMOUNTS SHALL BE ROUNDED TO
30 THE NEAREST ONE HUNDRED DOLLARS (\$100), TO DETERMINE THE FINAL

1 ADJUSTED BASE AMOUNTS FOR PURPOSES OF SUBSECTIONS (A) AND (B).
2 (4) IN EACH SUCCESSIVE YEAR IN WHICH THERE IS A POSITIVE
3 PERCENTAGE CHANGE IN THE CPI-U FOR THE UNITED STATES CITY
4 AVERAGE, THE POSITIVE PERCENTAGE CHANGE SHALL BE MULTIPLIED BY
5 THE MOST RECENT PRELIMINARY ADJUSTED AMOUNTS AND THE PRODUCTS
6 SHALL BE ADDED TO THE PRELIMINARY ADJUSTED AMOUNT OF THE PRIOR
7 YEAR TO CALCULATE THE PRELIMINARY ADJUSTED AMOUNTS FOR THE
8 CURRENT YEAR. THE SUMS THEREOF SHALL BE ROUNDED TO THE NEAREST
9 ONE HUNDRED DOLLARS (\$100) TO DETERMINE THE NEW FINAL ADJUSTED
10 BASE AMOUNTS FOR PURPOSES OF SUBSECTIONS (A) AND (B).

11 (5) THE DETERMINATIONS AND ADJUSTMENTS REQUIRED UNDER THIS
12 SUBSECTION SHALL BE MADE IN THE PERIOD BETWEEN OCTOBER 1 AND
13 NOVEMBER 15 OF THE YEAR FOLLOWING THE EFFECTIVE DATE OF THIS
14 SUBSECTION, AND ANNUALLY BETWEEN OCTOBER 1 AND NOVEMBER 15 OF
15 EACH YEAR THEREAFTER.

16 (6) THE FINAL ADJUSTED BASE AMOUNTS AND NEW FINAL ADJUSTED
17 BASE AMOUNTS OBTAINED UNDER PARAGRAPHS (3) AND (4) SHALL BECOME
18 EFFECTIVE JANUARY 1 FOR THE CALENDAR YEAR FOLLOWING THE YEAR IN
19 WHICH THE DETERMINATION REQUIRED UNDER PARAGRAPH (1) IS MADE.

20 (7) THE DEPARTMENT SHALL PUBLISH NOTICE IN THE PENNSYLVANIA
21 BULLETIN PRIOR TO JANUARY 1 OF EACH CALENDAR YEAR OF THE ANNUAL
22 PERCENTAGE CHANGE DETERMINED UNDER PARAGRAPH (1) AND THE
23 UNADJUSTED OR FINAL ADJUSTED BASE AMOUNTS DETERMINED UNDER
24 PARAGRAPHS (3) AND (4) AT WHICH COMPETITIVE BIDDING IS REQUIRED
25 UNDER SUBSECTION (A) AND WRITTEN OR TELEPHONIC PRICE QUOTATIONS
26 ARE REQUIRED UNDER SUBSECTION (B), RESPECTIVELY, FOR THE
27 CALENDAR YEAR BEGINNING THE FIRST DAY OF JANUARY AFTER
28 PUBLICATION OF THE NOTICE. THE NOTICE SHALL INCLUDE A WRITTEN
29 AND ILLUSTRATIVE EXPLANATION OF THE CALCULATIONS PERFORMED BY
30 THE DEPARTMENT IN ESTABLISHING THE UNADJUSTED OR FINAL ADJUSTED

1 BASE AMOUNTS UNDER THIS SUBSECTION FOR THE ENSUING CALENDAR
2 YEAR.

3 (8) THE ANNUAL INCREASE IN THE PRELIMINARY ADJUSTED BASE
4 AMOUNTS OBTAINED UNDER PARAGRAPHS (3) AND (4) SHALL NOT EXCEED
5 THREE PERCENT.

6 * * *

7 (H) THE CONTRACTS OR PURCHASES MADE BY THE BOARD OF
8 SUPERVISORS INVOLVING PAYMENTS IN EXCESS OF THE REQUIRED
9 ADVERTISING AMOUNT, WHICH DO NOT REQUIRE ADVERTISING, BIDDING OR
10 PRICE QUOTATIONS ARE AS FOLLOWS:

11 (1) THOSE MADE FOR EMERGENCY, OR ROUTINE MAINTENANCE,
12 REPAIRS OR REPLACEMENTS FOR WATER, ELECTRIC LIGHT AND OTHER
13 PUBLIC WORKS OF THE TOWNSHIP IF THEY DO NOT CONSTITUTE NEW
14 ADDITIONS, EXTENSIONS OR ENLARGEMENTS OF EXISTING FACILITIES AND
15 EQUIPMENT.

16 (2) THOSE MADE FOR IMPROVEMENTS, REPAIRS OR MAINTENANCE OF
17 ANY KIND MADE OR PROVIDED BY ANY TOWNSHIP THROUGH ITS OWN
18 EMPLOYEES. ALL CONTRACTS OR PURCHASES OF MATERIALS USED FOR
19 IMPROVEMENT, MAINTENANCE OR CONSTRUCTION [IN EXCESS OF FOUR
20 THOUSAND DOLLARS (\$4,000) BUT LESS THAN THE REQUIRED ADVERTISING
21 AMOUNT] ARE SUBJECT TO THE PROVISIONS CONTAINED IN SUBSECTION
22 (A) AND (B) [, AND THOSE CONTRACTS OR PURCHASES IN EXCESS OF THE
23 REQUIRED ADVERTISING AMOUNT ARE SUBJECT TO THE ADVERTISING
24 REQUIREMENTS CONTAINED IN SUBSECTION (A)].

25 (3) THOSE INVOLVING ANY POLICIES OF INSURANCE OR SURETY
26 COMPANY BONDS, THOSE MADE FOR PUBLIC UTILITY SERVICE, THOSE MADE
27 FOR ELECTRICITY, NATURAL GAS OR TELECOMMUNICATIONS SERVICE
28 EITHER DIRECTLY OR WITH AN ASSOCIATION AUTHORIZED UNDER ARTICLE
29 XIV IN WHICH THE TOWNSHIP IS A MEMBER AND THOSE MADE WITH
30 ANOTHER MUNICIPAL CORPORATION, COUNTY, SCHOOL DISTRICT OR

1 MUNICIPALITY AUTHORITY OR FEDERAL OR STATE GOVERNMENT, INCLUDING
2 THE SALE, LEASING OR LOAN OF ANY SUPPLIES OR MATERIALS BY THE
3 FEDERAL OR STATE GOVERNMENT OR THEIR AGENCIES.

4 (4) THOSE INVOLVING PERSONAL OR PROFESSIONAL SERVICES.

5 (5) THOSE MADE FOR MATERIALS AND SUPPLIES OR EQUIPMENT
6 RENTAL UNDER EMERGENCY CONDITIONS UNDER 35 PA.C.S. PT. V
7 (RELATING TO EMERGENCY MANAGEMENT SERVICES).

8 (6) THOSE CONTRACTS INVOLVING EQUIPMENT RENTAL WITH
9 OPERATORS IF MORE THAN FIFTY PERCENT OF THE TOTAL LABOR
10 PERSONNEL HOURS REQUIRED FOR THE COMPLETION OF THE CONTRACT IS
11 SUPPLIED BY THE TOWNSHIP THROUGH ITS OWN EMPLOYEES.

12 (7) THOSE CONTRACTS FOR THE PURCHASE OF REPAIR PARTS OR
13 MATERIALS FOR USE IN EXISTING TOWNSHIP EQUIPMENT OR FACILITIES
14 IF THE ITEM OR MATERIAL TO BE PURCHASED IS THE SOLE ITEM OF ITS
15 KIND ON THE MARKET OR IS MANUFACTURED AS A REPLACEMENT FOR THE
16 ORIGINAL ITEM OR EQUIPMENT BEING REPAIRED.

17 (8) THOSE FOR USED EQUIPMENT, ARTICLES, APPARATUS,
18 APPLIANCES, VEHICLES OR PARTS THEREOF BEING PURCHASED FROM A
19 PUBLIC UTILITY.

20 (9) THOSE WHERE PARTICULAR TYPES, MODELS OR PIECES OF
21 EQUIPMENT, ARTICLES, APPARATUS, APPLIANCES, VEHICLES OR PARTS
22 THEREOF WHICH ARE PATENTED AND MANUFACTURED PRODUCTS.

23 * * *

24 SECTION 2. THIS ACT SHALL APPLY TO CONTRACTS AND PURCHASES
25 ADVERTISED ON OR AFTER JANUARY 1 OF THE YEAR FOLLOWING THE
26 EFFECTIVE DATE OF THIS SECTION.

27 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.