

HANOVER TOWNSHIP, LEHIGH COUNTY

ORDINANCE NO. 593

BILL NO. 2018-02

AN ORDINANCE AMENDING CHAPTER 1, PART 2 OF THE STATUTORY CODE OF HANOVER TOWNSHIP TO ALLOW THE TOWNSHIP TO RECEIVE SECURE COMPETITIVE BIDS ELECTRONICALLY BY AN INTERNET WEBSITE WITH THE CAPABILITY TO POST SOLICITATIONS, RECEIVE BIDS AND SUPPORTING DOCUMENTATION, ALLOW BIDDERS TO SUBMIT QUESTIONS AND AMEND BIDS, ALLOW TOWNSHIP TO RESPOND TO QUESTIONS, ISSUE ADDENDA TO SPECIFICATIONS AND COMMUNICATE WITH BIDDERS, TRACK ALL COMMUNICATIONS PROCESSED THROUGH THE SYSTEM OR ACCESS TO BIDS AND PERFORM OTHER PRACTICES COMMON TO SEALED BID PROCEDURES.

HANOVER TOWNSHIP HEREBY ORDAINS THAT Chapter 1, Part 2, Sections 1-202 through 1-223 of the Statutory Code of Hanover Township are amended by adding the language shown in italics and deleting the language shown as stricken as follows:

§ 1-202. Competitive Bids.

1. **General Required.** Except as otherwise provided in this Part, no contract for supplies, material, labor, franchise, or other valuable consideration, to be furnished to or by the Township, shall be authorized on behalf of the Township except with the lowest responsible bidder after competitive bidding. All specifications shall be written so as to be applicable to more than one supplier.

2. **Exceptions.** Competitive bidding shall not be required for:

- A. Labor or services rendered by any Township employee.
- B. Labor, material, supplies or services furnished by one Township department to another Township department.
- C. Those where particular types, models or pieces of new equipment, articles, apparatus, appliances, vehicles or parts thereof are desired which are patented and available from only one source.
- D. Contracts for labor, material, supplies or services aggregating less than \$18,500 (as adjusted pursuant to § 1-223, below) for the item in the year supplied. [*Ord. 534*]
- E. Contracts relating to the acquisition or use of real property.
- F. Contracts for professional or unique service.

- G. Contracts for emergency repair of public works of the Township.
- H. Contracts with other governmental entities, authorities, agencies or political subdivisions.

§1-203 Bid Procedures.

Bids may be solicited and processed by a sealed bid or secure electronic bid procedure as determined by Council.

- A. **Sealed bids.** The sealed bid procedure shall utilize paper forms for the submission of bids and paper or other hard copy supporting documentation. Requests for proposals may allow information to be submitted on discs or other physical device containing electronic data. Bids and supporting documentation shall be submitted in sealed envelopes which shall remain sealed until bid opening
- B. **Secure Electronic bids.** The secure electronic bid procedure shall use a Township or third-party internet based website (“Bid Platform”) which has the capability to post solicitations, receive bids and supporting documentation, allow bidders to submit questions and amend bids, allow Township to respond to questions, issue addenda and communicate with bidders, track all communications processed through the system or access to bids and perform other practices common to sealed bid procedures. The Bid Platform must secure bids and supporting documentation received, in whatever form received or stored, so that no person other than bidder can view or access the bid or any part thereof until bids are opened by the Township. A Bid Platform shall be accessible to the public without cost and allow all functions performed through the Platform to be without cost, but for submitting a bid. Township may require bid bonds or other such security to be physically submitted to the Township.
- C. **Bid opening.** Sealed bid opening occurs when the seal on all bids received is broken at a public meeting of the Township Council. Electronic Bid opening occurs when, at a public meeting of the Township Council, it first accesses the database of all bids on the Bid Platform

§ 1-2034. Publication Requirements.

All contracts and purchases subject to competitive bidding requirements shall not be made until due notice of request for proposals (the solicitation) is placed: (A) 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 3 days with: ~~the~~ the first advertisement shall be published not less than 10 days prior to the date fixed for the opening of bids; or (B) on a Bid Platform beginning at least 10 days prior to and continuing until the day fixed for opening bids; and, (C) in addition to (A) or (B), such other publication as may be required by law, grant or loan requirement applicable to the subject of the solicitation.

5. The equipment or item(s) furnished shall ~~is-at-least to carry~~ at least the standard warranty which is offered to the general public.

§ 1-2121. Clarification of Requirements.

1. **Resolving Conflicting Requirements.** In the event that there is a conflict between standard requirements and requirements stated in SPECIAL or DETAILED specifications, the SPECIAL or DETAILED instructions shall prevail.

2. **Exceptions to Specifications.** Any exceptions to the Township's specifications must be explained fully in a bid ~~submission letter~~ under "Exceptions to Specifications"

§ 1-2132. Delivery.

Bidder must state delivery time on his proposal. Each item of equipment shall be clean, lubricated and serviced, ready for immediate use.

§ 1-2143. Bid Documents.

(A) Sealed Bids. Sealed proposals marked for the item bid shall be enclosed in an envelope, sealed, and clearly labeled so as to guard against opening prior to the time set therefor.

(B) Electronic Secure Bids. All proposals shall be submitted electronically in accordance with Instructions to bidders of the solicitation, or otherwise as set forth on the Bid Platform. Required bid bonds or other security may be submitted physically to the Township.

§ 1-2154. Bond Requirements.

All bids must be accompanied by a certified check, bank cashier's check or letter of credit in the amount of 10% of the total bid, or by a bid bond in the amount of 10% of the total bid which shall be forfeited if the successful bidder fails to enter into a contract with Hanover Township after notice of acceptance of his proposal. Such security shall be submitted in accordance with Section 1-214 above.

§ 1-2165. Time for Receiving Bids.

Bids received prior to the time of opening shall be securely kept unopened. Bids will be received until 7:30 p.m. on the night of opening, ~~such night will be published in the newspaper advertisement (see § 1-105(3)) and on the forms issued by the Township~~ at which time they will be publicly opened and read unless the time has been extended pursuant to Section 1-206. Any proposal received later than the specified time will not be accepted.

§ 1-2176. Withdrawal of Bids.

Bids may not be withdrawn for a period of 60 days from the opening thereof unless the period for award has been extended as provided in § 1-2187(2) in which case bids may not be withdrawn for a period of 120 days from bid opening.

§ 1-2187. Award of Contract.

1. **Award.** The award shall be made within 60 days of the bid opening to the lowest responsible and responsive bidder.
2. **Delay.** If the award is delayed by the required approval of another government agency, the state of bonds or the award of a grant, the contract shall be awarded to the lowest responsible and responsive bidder within 120 days of the bid opening or all bids shall be rejected.
3. **Extension.** Extensions for the date for the award may be made by mutual consent of the Township and the lowest responsible and responsive bidder.

§ 1-2198. Return of Bid Sureties.

The Township will return bid sureties to all but the two lowest responsible bidders. The surety of the lowest responsible and responsive bidder will be returned when the equipment or item(s) is received by the Township or a construction or manufacture contract is signed by the Township. The surety of the second lowest bidder shall be returned no later than 7 days after the last day to award contracts pursuant to § 1-2187(1) or (2), as applicable.

§ 1-2209. Reservation of Rights.

The Township reserves the right to waive any formalities in the bidding, reject any and all bids submitted and to award the contract in the best interest of the Township.

§ 1-2210. Acceptance and Payment.

~~Vendor shall make delivery at which time the Township shall have its personnel inspect and accept the said equipment or item(s) and payment is then due for the same.~~
The Township shall have the right to inspect all items purchased, work done, facilities constructed or installed before acceptance and may reject the same in whole or in part if any fail to meet the specifications in the contract and in such circumstances withhold further payment and recover payments previously made as appropriate.

§ 1-2224. Maximum Term of Certain Contracts.

The maximum term for certain contracts are provided in the Charter. (See Charter, § 8.05).

§ 1-2232. Execution of Contracts.

The contract shall be executed by the Township within 60 days of the date that the contract is awarded.

§ 1-2243. Adjustment of Exemption Ceiling.

1. The dollar amount ceiling for exemptions from required competitive bidding set forth in § 1-202(2)(D), above, shall be adjusted automatically to conform with adjustments to the base amount triggering the requirement for public bidding for Second Class Townships published by the Pennsylvania Department of Labor and Industry pursuant to Act 84 of 2011 to reflect changes in the Consumer Price Index.

2. The dollar amount for the base and ceiling values of contracts requiring solicitation of written offers as set forth in § 1-201(4), above, shall be adjusted automatically to conform with adjustments to the base amount triggering the requirement for solicitation of telephone bids and base amount triggering the requirement for public bidding for Second Class Townships published by the Pennsylvania Department of Labor and Industry pursuant to Act 84 of 2011 to reflect changes in the Consumer Price Index.


Chairman


Township Clerk

Adopted: APRIL 4, 2018

Motion: WEGFAHRT

Seconded: HEIMBECKER

Vote: HEIMBECKER, LAWLOR, WEGFAHRT, WOOLLEY, PAULUS: AYE UNAN.