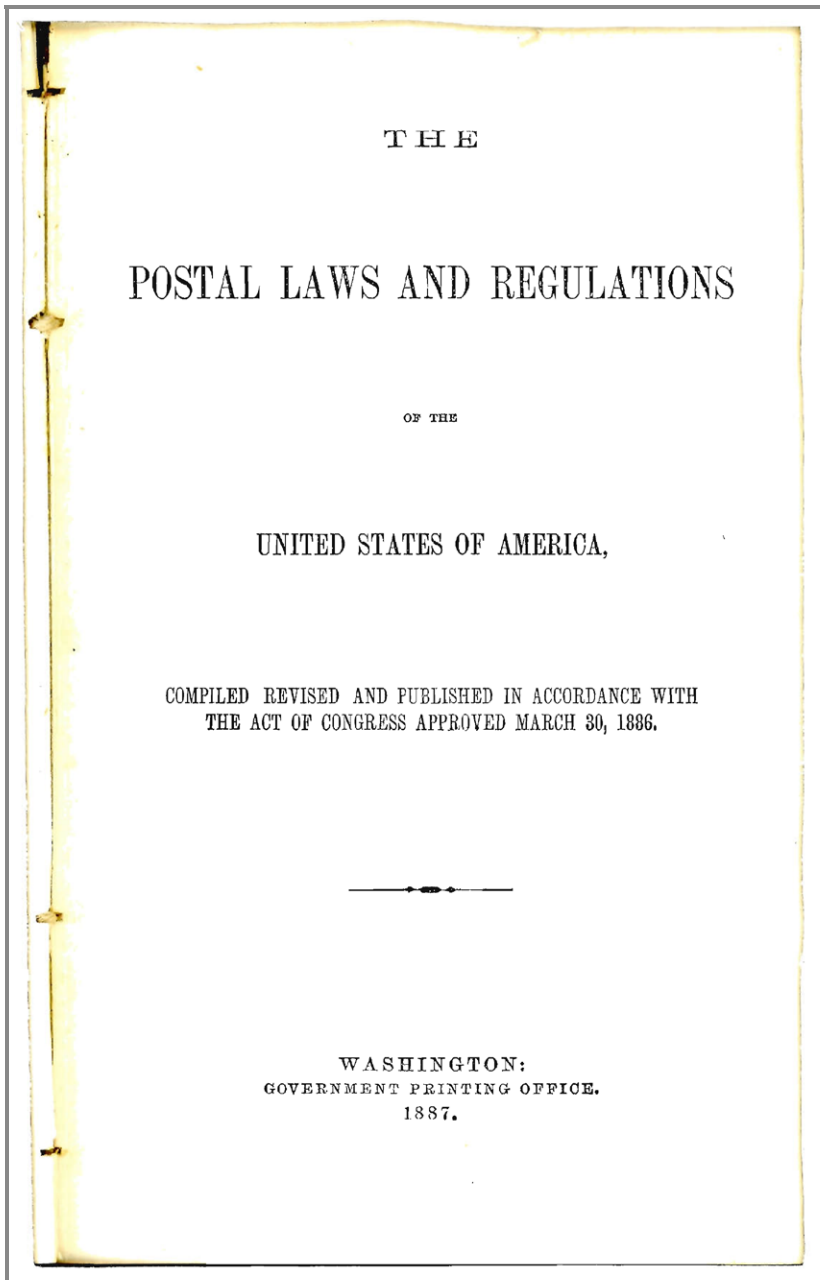


# US Postal Laws & Regulations

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Contracts



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## II. CONTRACTS.

Sec. 84. To be in Name of United States.—All bonds taken and contracts entered into by the Post-Office Department shall be made to and with the United States of America. (R. S., § 403.)

See section 91 for provision to be included in all contracts.

Sec. 85. By Whom May be Signed—*By the First Assistant.*—The bonds of all postmasters may, by the direction of the Postmaster-General, be approved and accepted, and the approval and acceptance signed by the First Assistant Postmaster-General in the name of the Postmaster General; and all contracts for stationery, wrapping-paper, letter-balances, scales, and street letter-boxes, for the use of the postal service may be signed in like manner by the First Assistant Postmaster-General in the place and stead of the Postmaster-General, and his signature shall be attested by the seal of the Post-Office Department. (Act of March 3, 1877, § 2, 19 Stats., 335.)

*By the Second Assistant.*—The Second Assistant Postmaster-General, on the order of the Postmaster-General, may sign with his name, in the place and stead of the Postmaster-General, and attest his signature by the seal of the Post-Office Department, all contracts made in the said Department, for mail transportation and for supplies of mail bags, mail catchers, mail locks, and keys, and all other articles necessary and incidental to mail transportation. (Act of March 3, 1877, § 3, 19 Stats., 335.)

*By the Third Assistant.*—The Third Assistant Postmaster-General, when directed by the Postmaster-General, may also sign, in his name, in the place and stead of the Postmaster-General, and attest his signature by the seal of the Post-Office Department, all contracts for supplies of postage stamps, stamped envelopes, newspaper wrappers, postal cards, registered-package envelopes, locks, seals, and official envelopes for the use of postmasters, and return of dead letters, that may be required for the postal service. (Act of March 3, 1877, § 4, 19 Stats., 335.)

See section 443 for regulation as to bonds; and section 25 for limitation on persons who act as Assistant Postmasters-General.

Sec. 86. Limited in Duration.—It shall not be lawful for any of the Executive Departments to make contracts for stationery or other supplies for a longer term than one year from the time the contract is made. (R. S., § 3735.) That the resolution approved January 31, 1868, entitled "A resolution limiting contracts for stationery and other supplies in the Executive Departments to one year," shall not be held or construed to apply to, or include, mail bags, mail locks and keys, postal cards,

postage stamps, newspaper wrappers, or stamped envelopes. (Joint resolution of March 24, 1874, 18 Stats., 286.)

NOTE.—The section from the Revised Statutes above was founded on the resolution mentioned in the latter joint resolution.

**Sec. 87. Contracts not to Exceed Appropriations.**—No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriation. (R. S., § 3679.)

No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation which, however, shall not exceed the necessities of the current year. (R. S., § 3732.)

**Sec. 88. Advertisement for Same.**—All purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals. (R. S., § 3709.)

Whenever proposals for supplies have been solicited, the parties responding to such solicitation shall be duly notified of the time and place of opening the bids, and be permitted to be present either in person or by attorney, and a record of each bid shall then and there be made. (R. S., § 3710.)

**Sec. 89. Fuel to be Inspected.**—It shall not be lawful for any officer or person in the civil, military, or naval service of the United States in the District of Columbia to purchase anthracite or bituminous coal or wood for the public service except on condition that the same shall, before delivery, be inspected and weighed or measured by some competent person to be appointed by the head of the Department or chief of the branch of the service for which the purchase is made. The person so appointed shall, before entering upon the duty of inspector, weigher, and measurer, and to the satisfaction of the appointing officer, give bond, with not less than two sureties, in the penal sum of five thousand dollars, and with condition that each ton of coal weighed by him shall consist of two thousand two hundred and forty pounds, and that each

cord of wood to be so measured shall be of the standard measure of one hundred and twenty-eight cubic feet. The inspector, weigher, and measurer so appointed shall be entitled to receive from the venders of fuel weighed and measured by him twenty cents for each ton of coal weighed and nine cents for each cord of wood measured by him. Each load or parcel of wood or coal weighed and measured by him shall be accompanied by his certificate of the number of tons or pounds of coal and the number of cords or parts of cords of wood in each load or parcel. (R. S., § 3711.)

The proper accounting officer of the Treasury shall be furnished with a copy of the appointment of each inspector, weigher, and measurer appointed under the preceding section. (R. S., § 3712.)

It shall not be lawful for any accounting officer to pass or allow to the credit of any disbursing officer in the District of Columbia any money paid by him for the purchase of anthracite or bituminous coal or for wood, unless the voucher therefor is accompanied by a certificate of the proper inspector, weigher, and measurer that the quantity paid for has been determined by such officer. (R. S., § 3713.)

See section 72 for limitation of payments on contracts to actual performance.

**Sec. 90. Contracts not Assignable.**—No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States. (R. S., § 3737.)

As to subletting of contracts for carrying the mail, see sections 818 to 823.

**Sec. 91. Members of Congress, &c., not to be Interested.**—No member of or Delegate to Congress shall directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement made or entered into in behalf of the United States, by any officer or person authorized to make contracts on behalf of the United States. Every person who violates this section shall be deemed guilty of a misdemeanor, and shall be fined three thousand dollars. All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced on the part of the United States, in consideration of any such contract or agreement, it shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded, by the proper officer of the Department under whose authority such contract or agreement shall have been made or entered