

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 284 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 AND F. KELLER, JANUARY 27, 2011

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

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled,
2 as amended, "An act relating to counties of the first, third,
3 fourth, fifth, sixth, seventh and eighth classes; amending,
4 revising, consolidating and changing the laws relating
5 thereto; relating to imposition of excise taxes by counties,
6 including authorizing imposition of an excise tax on the
7 rental of motor vehicles by counties of the first class; and
8 providing for regional renaissance initiatives," in
9 contracts, further providing for commissioners sole
10 contractors for county, for contract procedures, terms and
11 bonds and advertising for bids and for evasion of advertising
12 requirements; and, in grounds and buildings, further
13 providing for bids for plumbing, heating, ventilating,
14 electrical work, elevators and moving stairs.

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

17 ~~Section 1. Sections 1801 and 1802(a) and (b) of the act of~~
18 ~~August 9, 1955 (P.L.323, No.130), known as The County Code,~~



~~amended December 22, 2000 (P.L.1019, No.142), are amended to read:~~

~~Section 1801. Commissioners Sole Contractors for County.~~

~~(a) The county commissioners shall contract for and purchase all services referred to in section five hundred eight and personal property for county officers and agencies. All contracts and purchases not in excess of [ten thousand dollars (\$10,000)] the base amount of twenty five thousand dollars (\$25,000) subject to annual adjustment under subsection (b.1) shall be by note or memorandum, in writing, signed by the county commissioners, or their designee. A copy of all such notes and memorandums and all written contracts shall be filed in the office of the controller, if any, and, if not, then with the chief clerk of the commissioners.~~

~~(b) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that [exceed four thousand dollars (\$4,000)] are in excess of the base amount of ten thousand dollars (\$10,000) subject to annual adjustment under subsection (b.1) but are less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and~~

~~memoranda shall be retained for a period of three years.~~

~~(b.1) Adjustments to the base amounts specified under subsections (a) and (b) and sections 1802, 1803 and 2317 shall be made as follows:~~

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

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

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

~~(ii) The preliminary adjusted amounts shall be rounded to the nearest one thousand dollars, to determine the final adjusted base amounts for purposes of subsections (a) and (b) and sections 1802, 1803 and 2317.~~

~~(4) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary adjusted amounts and the products shall be added to the most recent preliminary adjusted amounts,~~

~~respectively. The sums thereof shall be rounded to the nearest one thousand dollars to determine the new final adjusted base amounts for purposes of subsections (a) and (b) and sections 1802, 1803 and 1807.~~

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

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

~~(7) The department shall publish notice in the Pennsylvania Bulletin prior to January 1 of each calendar year of the annual percentage change determined under paragraph (1) and the unadjusted or final adjusted base amounts determined under paragraphs (3) and (4) for purposes of subsections (a) and (b) and sections 1802, 1803 and 1807, respectively, for the calendar year beginning the first day of January after publication of the notice. The notice shall include a written and illustrative explanation of the calculations performed by the department in establishing the unadjusted or final adjusted base amounts under this subsection for the ensuing calendar year.~~

~~(c) The commissioners shall, where possible, anticipate the needs of the various officers, agencies and operations of the county and endeavor to purchase in wholesale quantities, where practicable and where savings could be achieved thereby. The commissioners may make contracts and purchases for all purposes expressly or impliedly authorized by law.~~

1 ~~Section 1802. Contract Procedures; Terms and Bonds;~~
2 ~~Advertising for Bids. (a) All contracts for services and~~
3 ~~personal property where the amount thereof exceeds the [sum of~~
4 ~~ten thousand dollars (\$10,000),] base amount of twenty five~~
5 ~~thousand dollars (\$25,000) subject to annual adjustment under~~
6 ~~section 1801(b.1) shall be written and shall, except as~~
7 ~~otherwise hereinafter specified, be made by advertising for~~
8 ~~bids.~~

9 ~~(b) Contracts or purchases in excess of [ten thousand~~
10 ~~dollars (\$10,000)] the base amount of twenty five thousand~~
11 ~~dollars (\$25,000) subject to annual adjustment under section~~
12 ~~1801(b.1), except those hereinafter mentioned and except as~~
13 ~~provided by the act of October 27, 1979 (P.L.241, No.78),~~
14 ~~entitled "An act authorizing political subdivisions,~~
15 ~~municipality authorities and transportation authorities to enter~~
16 ~~into contracts for the purchase of goods and the sale of real~~
17 ~~and personal property where no bids are received," shall not be~~
18 ~~made except with and from the lowest responsible and responsive~~
19 ~~bidder submitting a bid in conformity with the specifications~~
20 ~~approved by the board of commissioners for the contract or~~
21 ~~purchase, after due notice in one newspaper of general~~
22 ~~circulation, published or circulating in the county, at least~~
23 ~~two times at intervals of not less than three days where daily~~
24 ~~newspapers of general circulation are employed for such~~
25 ~~publication, or in case weekly newspapers are employed then the~~
26 ~~notice shall be published once a week for two successive weeks.~~
27 ~~The first advertisement shall be published not less than ten~~
28 ~~days prior to the date fixed for the opening of bids. The~~
29 ~~requirements of this subsection need not be followed in cases of~~
30 ~~emergency, but in such cases the actual emergency shall be~~

1 ~~declared and stated by resolution of the commissioners.~~

2 ~~* * *~~

3 ~~Section 2. Sections 1803 and 2317 of the act, amended July~~
4 ~~10, 1990 (P.L.379, No.89), are amended to read:~~

5 ~~Section 1803. Evasion of Advertising Requirements. (a) No~~
6 ~~commissioner or commissioners shall evade the provisions of~~
7 ~~section one thousand eight hundred two of this act, as to~~
8 ~~advertising for bids or purchasing or contracting for services~~
9 ~~and personal properties piece meal, for the purpose of obtaining~~
10 ~~prices under [ten thousand dollars (\$10,000)] the base amount of~~
11 ~~twenty five thousand dollars (\$25,000) subject to annual~~
12 ~~adjustment under section 1801(b.1) upon transactions which~~
13 ~~should in the exercise of reasonable discretion and prudence be~~
14 ~~conducted as one transaction amounting to more than [ten~~
15 ~~thousand dollars (\$10,000)] the base amount of twenty five~~
16 ~~thousand dollars (\$25,000) subject to annual adjustment under~~
17 ~~section 1801(b.1). This provision is intended to make unlawful~~
18 ~~the practice of evading advertising requirements by making a~~
19 ~~series of purchases or contracts each for less than the~~
20 ~~advertising requirement price, or by making several simultaneous~~
21 ~~purchases or contracts each below said price, when in either~~
22 ~~case the transaction involved should have been made as one~~
23 ~~transaction for one price. Any county commissioners who so vote~~
24 ~~in violation of this provision and who know that the transaction~~
25 ~~upon which they so vote is or ought to be a part of a larger~~
26 ~~transaction and that it is being divided in order to evade the~~
27 ~~requirements as to advertising for bids shall be, jointly and~~
28 ~~severally, subject to surcharge for any loss sustained. Wherever~~
29 ~~it shall appear that a commissioner may have voted in violation~~
30 ~~of this section, but the purchase or contract on which he so~~

~~voted was not approved by the board of county commissioners,
this section shall be inapplicable.~~

~~(b) Any county commissioner who votes to unlawfully evade
the provisions of section one thousand eight hundred two of this
act and who knows that the transaction upon which he so votes 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 commits a misdemeanor of the third degree
for each contract entered into as a direct result of that vote.
This penalty shall be in addition to any surcharge which may be
assessed pursuant to subsection (a).~~

SECTION 1. SECTIONS 1801 AND 1802(A) AND (B) OF THE ACT OF
AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS THE COUNTY CODE,
AMENDED DECEMBER 22, 2000 (P.L.1019, NO.142), ARE AMENDED TO
READ:

SECTION 1801. COMMISSIONERS SOLE CONTRACTORS FOR COUNTY.--

(A) THE COUNTY COMMISSIONERS SHALL CONTRACT FOR AND PURCHASE
ALL SERVICES REFERRED TO IN SECTION FIVE HUNDRED EIGHT AND
PERSONAL PROPERTY FOR COUNTY OFFICERS AND AGENCIES. ALL
CONTRACTS AND PURCHASES NOT IN EXCESS OF [TEN THOUSAND DOLLARS
(\$10,000)] THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED
DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SUBSECTION (B.1),
SHALL BE BY NOTE OR MEMORANDUM, IN WRITING, SIGNED BY THE COUNTY
COMMISSIONERS, OR THEIR DESIGNEE. A COPY OF ALL SUCH NOTES AND
MEMORANDUMS AND ALL WRITTEN CONTRACTS SHALL BE FILED IN THE
OFFICE OF THE CONTROLLER, IF ANY, AND, IF NOT, THEN WITH THE
CHIEF CLERK OF THE COMMISSIONERS.

(B) WRITTEN OR TELEPHONIC PRICE QUOTATIONS FROM AT LEAST
THREE QUALIFIED AND RESPONSIBLE CONTRACTORS SHALL BE REQUESTED
FOR ALL CONTRACTS [THAT EXCEED FOUR THOUSAND DOLLARS (\$4,000)]

1 IN EXCESS OF THE BASE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000),
2 SUBJECT TO ADJUSTMENT UNDER SUBSECTION (B.1), BUT ARE LESS THAN
3 THE AMOUNT REQUIRING ADVERTISEMENT AND COMPETITIVE BIDDING OR,
4 IN LIEU OF PRICE QUOTATIONS, A MEMORANDUM SHALL BE KEPT ON FILE
5 SHOWING THAT FEWER THAN THREE QUALIFIED CONTRACTORS EXIST IN THE
6 MARKET AREA WITHIN WHICH IT IS PRACTICABLE TO OBTAIN QUOTATIONS.
7 A WRITTEN RECORD OF TELEPHONIC PRICE QUOTATIONS SHALL BE MADE
8 AND SHALL CONTAIN AT LEAST THE DATE OF THE QUOTATION, THE NAME
9 OF THE CONTRACTOR AND THE CONTRACTOR'S REPRESENTATIVE, THE
10 CONSTRUCTION, RECONSTRUCTION, REPAIR, MAINTENANCE OR WORK WHICH
11 WAS THE SUBJECT OF THE QUOTATION AND THE PRICE. WRITTEN PRICE
12 QUOTATIONS, WRITTEN RECORDS OF TELEPHONIC PRICE QUOTATIONS AND
13 MEMORANDA SHALL BE RETAINED FOR A PERIOD OF THREE YEARS.

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

16 (1) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL DETERMINE THE
17 PERCENTAGE CHANGE IN THE ALL ITEMS CONSUMER PRICE INDEX FOR ALL
18 URBAN CONSUMERS (CPI-U) FOR THE UNITED STATES CITY AVERAGE AS
19 PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
20 LABOR STATISTICS FOR THE TWELVE-MONTH PERIOD ENDING SEPTEMBER
21 30, 2012, AND FOR EACH SUCCESSIVE TWELVE-MONTH PERIOD
22 THEREAFTER.

23 (2) IF THE DEPARTMENT DETERMINES THAT THERE IS NO POSITIVE
24 PERCENTAGE CHANGE, THEN NO ADJUSTMENT TO THE BASE AMOUNTS SHALL
25 OCCUR FOR THE RELEVANT TIME PERIOD PROVIDED FOR IN THIS
26 SUBSECTION.

27 (3) (I) IF THE DEPARTMENT DETERMINES THAT THERE IS A
28 POSITIVE PERCENTAGE CHANGE IN THE FIRST YEAR THAT THE
29 DETERMINATION IS MADE UNDER PARAGRAPH (1), THE POSITIVE
30 PERCENTAGE CHANGE SHALL BE MULTIPLIED BY EACH BASE AMOUNT AND

1 THE PRODUCTS SHALL BE ADDED TO THE BASE AMOUNTS, RESPECTIVELY,
2 AND THE SUMS SHALL BE PRELIMINARY ADJUSTED AMOUNTS.

3 (II) THE PRELIMINARY ADJUSTED AMOUNTS SHALL BE ROUNDED TO
4 THE NEAREST ONE HUNDRED DOLLARS (\$100), TO DETERMINE THE FINAL
5 ADJUSTED BASE AMOUNTS FOR PURPOSES OF SUBSECTIONS (A) AND (B).

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

15 (5) THE DETERMINATIONS AND ADJUSTMENTS REQUIRED UNDER THIS
16 SUBSECTION SHALL BE MADE IN THE PERIOD BETWEEN OCTOBER 1 AND
17 NOVEMBER 15 OF THE YEAR FOLLOWING THE EFFECTIVE DATE OF THIS
18 SUBSECTION, AND ANNUALLY BETWEEN OCTOBER 1 AND NOVEMBER 15 OF
19 EACH YEAR THEREAFTER.

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

24 (7) THE DEPARTMENT SHALL PUBLISH NOTICE IN THE PENNSYLVANIA
25 BULLETIN PRIOR TO JANUARY 1 OF EACH CALENDAR YEAR OF THE ANNUAL
26 PERCENTAGE CHANGE DETERMINED UNDER PARAGRAPH (1) AND THE
27 UNADJUSTED OR FINAL ADJUSTED BASE AMOUNTS DETERMINED UNDER
28 PARAGRAPHS (3) AND (4) AT WHICH COMPETITIVE BIDDING IS REQUIRED
29 UNDER SUBSECTION (A) AND WRITTEN OR TELEPHONIC PRICE QUOTATIONS
30 ARE REQUIRED UNDER SUBSECTION (B), RESPECTIVELY, FOR THE

1 CALENDAR YEAR BEGINNING THE FIRST DAY OF JANUARY AFTER
2 PUBLICATION OF THE NOTICE. THE NOTICE SHALL INCLUDE A WRITTEN
3 AND ILLUSTRATIVE EXPLANATION OF THE CALCULATIONS PERFORMED BY
4 THE DEPARTMENT IN ESTABLISHING THE UNADJUSTED OR FINAL ADJUSTED
5 BASE AMOUNTS UNDER THIS SUBSECTION FOR THE ENSUING CALENDAR
6 YEAR.

7 (8) THE ANNUAL INCREASE IN THE PRELIMINARY ADJUSTED BASE
8 AMOUNTS OBTAINED UNDER PARAGRAPHS (3) AND (4) SHALL NOT EXCEED
9 THREE PER CENTUM.

10 (C) THE COMMISSIONERS SHALL, WHERE POSSIBLE, ANTICIPATE THE
11 NEEDS OF THE VARIOUS OFFICERS, AGENCIES AND OPERATIONS OF THE
12 COUNTY AND ENDEAVOR TO PURCHASE IN WHOLESALE QUANTITIES, WHERE
13 PRACTICABLE AND WHERE SAVINGS COULD BE ACHIEVED THEREBY. THE
14 COMMISSIONERS MAY MAKE CONTRACTS AND PURCHASES FOR ALL PURPOSES
15 EXPRESSLY OR IMPLIEDLY AUTHORIZED BY LAW.

16 SECTION 1802. CONTRACT PROCEDURES; TERMS AND BONDS;
17 ADVERTISING FOR BIDS.--(A) ALL CONTRACTS FOR SERVICES AND
18 PERSONAL PROPERTY WHERE THE BASE AMOUNT THEREOF EXCEEDS THE SUM
19 OF [TEN THOUSAND DOLLARS (\$10,000)] EIGHTEEN THOUSAND FIVE
20 HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION
21 1801(B.1), SHALL BE WRITTEN AND SHALL, EXCEPT AS OTHERWISE
22 HEREINAFTER SPECIFIED, BE MADE BY ADVERTISING FOR BIDS.

23 (B) CONTRACTS OR PURCHASES IN EXCESS OF [TEN THOUSAND
24 DOLLARS (\$10,000)] THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE
25 HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION
26 1801(B.1), EXCEPT THOSE HEREINAFTER MENTIONED AND EXCEPT AS
27 PROVIDED BY THE ACT OF OCTOBER 27, 1979 (P.L.241, NO.78),
28 ENTITLED "AN ACT AUTHORIZING POLITICAL SUBDIVISIONS,
29 MUNICIPALITY AUTHORITIES AND TRANSPORTATION AUTHORITIES TO ENTER
30 INTO CONTRACTS FOR THE PURCHASE OF GOODS AND THE SALE OF REAL

1 AND PERSONAL PROPERTY WHERE NO BIDS ARE RECEIVED," SHALL NOT BE
2 MADE EXCEPT WITH AND FROM THE LOWEST RESPONSIBLE AND RESPONSIVE
3 BIDDER SUBMITTING A BID IN CONFORMITY WITH THE SPECIFICATIONS
4 APPROVED BY THE BOARD OF COMMISSIONERS FOR THE CONTRACT OR
5 PURCHASE, AFTER DUE NOTICE IN ONE NEWSPAPER OF GENERAL
6 CIRCULATION, PUBLISHED OR CIRCULATING IN THE COUNTY, AT LEAST
7 TWO TIMES AT INTERVALS OF NOT LESS THAN THREE DAYS WHERE DAILY
8 NEWSPAPERS OF GENERAL CIRCULATION ARE EMPLOYED FOR SUCH
9 PUBLICATION, OR IN CASE WEEKLY NEWSPAPERS ARE EMPLOYED THEN THE
10 NOTICE SHALL BE PUBLISHED ONCE A WEEK FOR TWO SUCCESSIVE WEEKS.
11 THE FIRST ADVERTISEMENT SHALL BE PUBLISHED NOT LESS THAN TEN
12 DAYS PRIOR TO THE DATE FIXED FOR THE OPENING OF BIDS. THE
13 REQUIREMENTS OF THIS SUBSECTION NEED NOT BE FOLLOWED IN CASES OF
14 EMERGENCY, BUT IN SUCH CASES THE ACTUAL EMERGENCY SHALL BE
15 DECLARED AND STATED BY RESOLUTION OF THE COMMISSIONERS.

16 * * *

17 SECTION 2. SECTIONS 1803 AND 2317 OF THE ACT, AMENDED JULY
18 10, 1990 (P.L.379, NO.89), ARE AMENDED TO READ:

19 SECTION 1803. EVASION OF ADVERTISING REQUIREMENTS.-- (A) NO
20 COMMISSIONER OR COMMISSIONERS SHALL EVADE THE PROVISIONS OF
21 SECTION ONE THOUSAND EIGHT HUNDRED TWO OF THIS ACT, AS TO
22 ADVERTISING FOR BIDS OR PURCHASING OR CONTRACTING FOR SERVICES
23 AND PERSONAL PROPERTIES PIECE-MEAL, FOR THE PURPOSE OF OBTAINING
24 PRICES UNDER [TEN THOUSAND DOLLARS (\$10,000)] THE BASE AMOUNT OF
25 EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO
26 ADJUSTMENT UNDER SECTION 1801(B.1), UPON TRANSACTIONS WHICH
27 SHOULD IN THE EXERCISE OF REASONABLE DISCRETION AND PRUDENCE BE
28 CONDUCTED AS ONE TRANSACTION AMOUNTING TO MORE THAN [TEN
29 THOUSAND DOLLARS (\$10,000)] THE BASE AMOUNT OF EIGHTEEN THOUSAND
30 FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER

1 SECTION 1801(B.1). THIS PROVISION IS INTENDED TO MAKE UNLAWFUL
2 THE PRACTICE OF EVADING ADVERTISING REQUIREMENTS BY MAKING A
3 SERIES OF PURCHASES OR CONTRACTS EACH FOR LESS THAN THE
4 ADVERTISING REQUIREMENT PRICE, OR BY MAKING SEVERAL SIMULTANEOUS
5 PURCHASES OR CONTRACTS EACH BELOW SAID PRICE, WHEN IN EITHER
6 CASE THE TRANSACTION INVOLVED SHOULD HAVE BEEN MADE AS ONE
7 TRANSACTION FOR ONE PRICE. ANY COUNTY COMMISSIONERS WHO SO VOTE
8 IN VIOLATION OF THIS PROVISION AND WHO KNOW THAT THE TRANSACTION
9 UPON WHICH THEY SO VOTE IS OR OUGHT TO BE A PART OF A LARGER
10 TRANSACTION AND THAT IT IS BEING DIVIDED IN ORDER TO EVADE THE
11 REQUIREMENTS AS TO ADVERTISING FOR BIDS SHALL BE, JOINTLY AND
12 SEVERALLY, SUBJECT TO SURCHARGE FOR ANY LOSS SUSTAINED. WHEREVER
13 IT SHALL APPEAR THAT A COMMISSIONER MAY HAVE VOTED IN VIOLATION
14 OF THIS SECTION, BUT THE PURCHASE OR CONTRACT ON WHICH HE SO
15 VOTED WAS NOT APPROVED BY THE BOARD OF COUNTY COMMISSIONERS,
16 THIS SECTION SHALL BE INAPPLICABLE.

17 (B) ANY COUNTY COMMISSIONER WHO VOTES TO UNLAWFULLY EVADE
18 THE PROVISIONS OF SECTION ONE THOUSAND EIGHT HUNDRED TWO OF THIS
19 ACT AND WHO KNOWS THAT THE TRANSACTION UPON WHICH HE SO VOTES IS
20 OR OUGHT TO BE A PART OF A LARGER TRANSACTION AND THAT IT IS
21 BEING DIVIDED IN ORDER TO EVADE THE REQUIREMENTS AS TO
22 ADVERTISING FOR BIDS COMMITS A MISDEMEANOR OF THE THIRD DEGREE
23 FOR EACH CONTRACT ENTERED INTO AS A DIRECT RESULT OF THAT VOTE.
24 THIS PENALTY SHALL BE IN ADDITION TO ANY SURCHARGE WHICH MAY BE
25 ASSESSED PURSUANT TO SUBSECTION (A).

26 Section 2317. Separate Bids for Plumbing, Heating,
27 Ventilating, Electrical Work, Elevators and Moving Stairs.--In
28 the preparation of specifications for the erection, construction
29 and alteration of any public building, when the entire cost of
30 such work shall exceed [ten thousand dollars (\$10,000)] ~~twenty~~





1 ~~five thousand dollars (\$25,000) subject to annual~~ THE BASE
2 ~~AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500)~~
3 ~~SUBJECT TO adjustment under section 1801(b.1)~~ the architect,
4 engineer or other person preparing such specifications shall
5 prepare only the following separate specifications: (1)
6 plumbing, (2) heating, (3) ventilating, (4) electrical work, (5)
7 elevators and moving stairs, and (6) one complete set of
8 specifications for all the other work to be done in such
9 erection, construction and alteration. The board of
10 commissioners shall receive separate bids upon each of the said
11 branches of work and award the contract for the same to the
12 lowest responsible bidder for each of said branches, including
13 the balance of the work in addition to the plumbing, heating,
14 ventilating and electrical work, and elevators and moving
15 stairs. Where it is desired to install an air conditioning unit,
16 the heating and ventilating so involved may be regarded as one
17 branch of work having only one set of specifications, and bids
18 may be received and a contract awarded thereon, as hereinbefore
19 provided.

20 Section 3. This act shall apply to contracts and purchases
21 advertised on or after January 1 of the year following the
22 effective date of this section.

23 Section 4. This act shall take effect immediately.