

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2347 Session of
1978

INTRODUCED BY IRVIS AND MEBUS, APRIL 11, 1978

REFERRED TO COMMITTEE ON URBAN AFFAIRS, APRIL 11, 1978

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled
2 "An act relating to counties of the third, fourth, fifth,
3 sixth, seventh and eighth classes; amending, revising,
4 consolidating and changing the laws relating thereto,"
5 further regulating contracts as to advertising requirements.

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

8 Section 1. Section 1801, subsections (a), (b) and the first
9 paragraph of subsection (h) of section 1802 and section 1803,
10 act of August 9, 1955 (P.L.323, No.130), known as "The County
11 Code," amended November 23, 1976 (P.L.1146, No.248), are amended
12 to read:

13 Section 1801. Commissioners Sole Contractors for County.--
14 The county commissioners shall contract for and purchase all
15 services referred to in section five hundred eight and personal
16 property for county officers and agencies. All contracts and
17 purchases not in excess of [two thousand dollars (\$2000)] five
18 thousand dollars (\$5,000) shall be by note or memorandum, in
19 writing, signed by the county commissioners, or their agent. A
20 copy of all such notes and memorandums and all written contracts

1 shall be filed in the office of the controller, if any, and, if
2 not, then with the chief clerk of the commissioners. The
3 commissioners shall, where possible, anticipate the needs of the
4 various officers and agencies of the county and endeavor to
5 purchase in wholesale quantities, where practicable and where
6 savings could be achieved thereby. The commissioners may make
7 contracts and purchases for all purposes expressly or impliedly
8 authorized by law.

9 Section 1802. Contract Procedures; Terms and Bonds;
10 Advertising for Bids.--(a) All contracts for services and
11 personal property where the amount thereof exceeds the sum of
12 [two thousand dollars (\$2000)] five thousand dollars (\$5,000),
13 shall be written and shall, except as otherwise hereinafter
14 specified, be made by advertising for bids.

15 (b) Contracts or purchases in excess of [two thousand
16 dollars (\$2000)] five thousand dollars (\$5,000), except those
17 hereinafter mentioned, shall not be made except with and from
18 the lowest responsible bidder, after due notice in one newspaper
19 of general circulation, published or circulating in the county,
20 at least three times at intervals of not less than three days
21 where daily newspapers of general circulation are employed for
22 such publication, or in case weekly newspapers are employed then
23 the notice shall be published once a week for two successive
24 weeks. The first advertisement shall be published not less than
25 ten days prior to the date fixed for the opening of bids. The
26 requirements of this subsection need not be followed in cases of
27 emergency, but in such cases the actual emergency shall be
28 declared and stated by resolution of the commissioners.

29 * * *

30 (h) The contracts or purchases made by the commissioners

1 involving an expenditure of over [two thousand dollars (\$2000)]
2 five thousand dollars (\$5000) which shall not require
3 advertising or bidding, as hereinbefore provided, are as
4 follows:

5 * * *

6 Section 1803. Evasion of Advertising Requirements.--No
7 commissioner or commissioners shall evade the provisions of
8 section one thousand eight hundred two of this act, as to
9 advertising for bids or purchasing or contracting for services
10 and personal properties piece-meal, for the purpose of obtaining
11 prices under [two thousand dollars (\$2000)] five thousand
12 dollars (\$5000) upon transactions which should in the exercise
13 of reasonable discretion and prudence be conducted as one
14 transaction amounting to more than [two thousand dollars
15 (\$2000)] five thousand dollars (\$5000). This provision is
16 intended to make unlawful the practice of evading advertising
17 requirements by making a series of purchases or contracts each
18 for less than the advertising requirement price, or by making
19 several simultaneous purchases or contracts each below said
20 price, when in either case the transaction involved should have
21 been made as one transaction for one price. Any county
22 commissioners who so vote in violation of this provision and who
23 know that the transaction upon which they so vote is or ought to
24 be a part of a larger transaction and that it is being divided
25 in order to evade the requirements as to advertising for bids
26 shall be, jointly and severally, subject to surcharge for any
27 loss sustained. Wherever it shall appear that a commissioner may
28 have voted in violation of this section, but the purchase or
29 contract on which he so voted was not approved by the board of
30 county commissioners, this section shall be inapplicable.

1 Section 2. This act shall take effect in 60 days.