

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 2347

Session of  
1978

INTRODUCED BY MESSRS. IRVIS AND MEBUS, APRIL 11, 1978

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 22, 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 BIDS, advertising  
6 requirements AND PURCHASES. <—

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

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

13 AND SECTION 1802 IS AMENDED BY ADDING A SUBSECTION to read: <—

14 Section 1801. Commissioners Sole Contractors for County.--  
15 The county commissioners shall contract for and purchase all  
16 services referred to in section five hundred eight and personal  
17 property for county officers and agencies. All contracts and  
18 purchases not in excess of [two thousand dollars (\$2000)] five <—  
19 ~~thousand dollars (\$5,000)~~ TWO THOUSAND FIVE HUNDRED DOLLARS <—  
20 (\$2,500) shall be by note or memorandum, in writing, signed by

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

11 Section 1802. Contract Procedures; Terms and Bonds;  
12 Advertising for Bids.--(a) All contracts for services and  
13 personal property where the amount thereof exceeds the sum of  
14 [two thousand dollars (\$2000)] ~~five thousand dollars (\$5,000)~~ <—  
15 TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500), shall be written and <—  
16 shall, except as otherwise hereinafter specified, be made by  
17 advertising for bids.

18 (b) Contracts or purchases in excess of [two thousand  
19 dollars (\$2000)] ~~five thousand dollars (\$5,000)~~ TWO THOUSAND <—  
20 FIVE HUNDRED DOLLARS (\$2,500), except those hereinafter  
21 mentioned, shall not be made except with and from the lowest  
22 responsible bidder, after due notice in one newspaper of general  
23 circulation, published or circulating in the county, at least  
24 three times at intervals of not less than three days where daily  
25 newspapers of general circulation are employed for such  
26 publication, or in case weekly newspapers are employed then the  
27 notice shall be published once a week for two successive weeks.  
28 The first advertisement shall be published not less than ten  
29 days prior to the date fixed for the opening of bids. The  
30 requirements of this subsection need not be followed in cases of

1 emergency, but in such cases the actual emergency shall be  
2 declared and stated by resolution of the commissioners.

3 \* \* \*

4 (h) The contracts or purchases made by the commissioners  
5 involving an expenditure of over [two thousand dollars (\$2000)]  
6 ~~five thousand dollars (\$5000)~~ TWO THOUSAND FIVE HUNDRED DOLLARS <—  
7 (\$2,500) which shall not require advertising or bidding, as  
8 hereinbefore provided, are as follows:

9 \* \* \*

10 (I) EVERY CONTRACT FOR THE CONSTRUCTION, RECONSTRUCTION, <—  
11 REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS SHALL CONTAIN  
12 A PROVISION THAT ANY STEEL PRODUCTS USED OR SUPPLIED IN THE  
13 PERFORMANCE OF THE CONTRACT OR ANY SUBCONTRACTS THEREUNDER SHALL  
14 BE FROM STEEL MADE IN THE UNITED STATES.

15 Section 1803. Evasion of Advertising Requirements.--No  
16 commissioner or commissioners shall evade the provisions of  
17 section one thousand eight hundred two of this act, as to  
18 advertising for bids or purchasing or contracting for services  
19 and personal properties piece-meal, for the purpose of obtaining  
20 prices under [two thousand dollars (\$2000)] ~~five thousand~~ <—  
21 ~~dollars (\$5000)~~ TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) upon <—  
22 transactions which should in the exercise of reasonable  
23 discretion and prudence be conducted as one transaction  
24 amounting to more than [two thousand dollars (\$2000)] ~~five~~ <—  
25 ~~thousand dollars (\$5000)~~ TWO THOUSAND FIVE HUNDRED DOLLARS <—  
26 (\$2,500). This provision is intended to make unlawful the  
27 practice of evading advertising requirements by making a series  
28 of purchases or contracts each for less than the advertising  
29 requirement price, or by making several simultaneous purchases  
30 or contracts each below said price, when in either case the

1 transaction involved should have been made as one transaction  
2 for one price. Any county commissioners who so vote in violation  
3 of this provision and who know that the transaction upon which  
4 they so vote is or ought to be a part of a larger transaction  
5 and that it is being divided in order to evade the requirements  
6 as to advertising for bids shall be, jointly and severally,  
7 subject to surcharge for any loss sustained. Wherever it shall  
8 appear that a commissioner may have voted in violation of this  
9 section, but the purchase or contract on which he so voted was  
10 not approved by the board of county commissioners, this section  
11 shall be inapplicable.

12 SECTION 2. THE PROVISIONS OF THIS ACT SHALL BE CONSTRUED IN <—  
13 A MANNER CONSISTENT WITH THE ACT OF MARCH 3, 1978 (NO.3), KNOWN  
14 AS THE "STEEL PRODUCTS PROCUREMENT ACT."

15 Section ~~2~~ 3. This act shall take effect in 60 days. <—