
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2347

Session of
1978

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

SENATOR LEWIS, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
SEPTEMBER 18, 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)] two
19 thousand five hundred dollars (\$2,500) shall be by note or

1 memorandum, in writing, signed by the county commissioners, or
2 their agent. A copy of all such notes and memorandums and all
3 written contracts shall be filed in the office of the
4 controller, if any, and, if not, then with the chief clerk of
5 the commissioners. The commissioners shall, where possible,
6 anticipate the needs of the various officers and agencies of the
7 county and endeavor to purchase in wholesale quantities, where
8 practicable and where savings could be achieved thereby. The
9 commissioners may make contracts and purchases for all purposes
10 expressly or impliedly authorized by 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)] two thousand five hundred dollars
15 (\$2,500), shall be written and shall, except as otherwise
16 hereinafter specified, be made by advertising for bids.

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

1 commissioners.

2 * * *

3 (h) The contracts or purchases made by the commissioners
4 involving an expenditure of over [two thousand dollars (\$2000)]
5 two thousand five hundred dollars (\$2,500) which shall not
6 require advertising or bidding, as hereinbefore provided, are as
7 follows:

8 * * *

9 ~~(i) Every contract for the construction, reconstruction,~~ <—
10 ~~repair, improvement or maintenance of public works shall contain~~
11 ~~a provision that any steel products used or supplied in the~~
12 ~~performance of the contract or any subcontracts thereunder shall~~
13 ~~be from steel made in the United States.~~

14 (I) EVERY CONTRACT FOR THE CONSTRUCTION, RECONSTRUCTION, <—
15 ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS
16 SHALL COMPLY WITH THE PROVISIONS OF THE ACT OF MARCH 3, 1978
17 (NO.3), KNOWN AS THE "STEEL PRODUCTS PROCUREMENT ACT."

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

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

13 ~~Section 2. The provisions of this act shall be construed in~~ <—
14 ~~a manner consistent with the act of March 3, 1978 (No.3), known~~
15 ~~as the "Steel Products Procurement Act."~~

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