
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 742 Session of
1989

INTRODUCED BY STOUT, CORMAN, STEWART, BRIGHTBILL, PUNT, LEMMOND,
PORTERFIELD, WENGER, MADIGAN, AFFLERBACH, REIBMAN AND
PETERSON, MARCH 21, 1989

REFERRED TO LOCAL GOVERNMENT, MARCH 21, 1989

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 and purchases as to bids and
6 advertising.

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 (h) of section 1802 and section 1803 of the act of
11 August 9, 1955 (P.L.323, No.130), known as The County Code,
12 amended December 22, 1981 (P.L.580, No.167), are amended to
13 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 [four thousand dollars (\$4,000)] ten
19 thousand dollars (\$10,000) shall be by note or memorandum, in

1 writing, signed by the county commissioners, or their agent. A
2 copy of all such notes and memorandums and all written contracts
3 shall be filed in the office of the controller, if any, and, if
4 not, then with the chief clerk of the commissioners. The
5 commissioners shall, where possible, anticipate the needs of the
6 various officers and agencies of the county and endeavor to
7 purchase in wholesale quantities, where practicable and where
8 savings could be achieved thereby. The commissioners may make
9 contracts and purchases for all purposes expressly or impliedly
10 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 [four thousand dollars (\$4,000)] ten thousand dollars (\$10,000),
15 shall be written and shall, except as otherwise hereinafter
16 specified, be made by advertising for bids.

17 (b) Contracts or purchases in excess of [four thousand
18 dollars (\$4,000)] ten thousand dollars (\$10,000), except those
19 hereinafter mentioned, shall not be made except with and from the
20 lowest responsible bidder, after due notice in one newspaper of
21 general circulation, published or circulating in the county, at
22 least three times at intervals of not less than three days where
23 daily newspapers of general circulation are employed for such
24 publication, or in case weekly newspapers are employed then the
25 notice shall be published once a week for two successive weeks.
26 The first advertisement shall be published not less than ten
27 days prior to the date fixed for the opening of bids. The
28 requirements of this subsection need not be followed in cases of
29 emergency, but in such cases the actual emergency shall be
30 declared and stated by resolution of the commissioners.

1 * * *

2 (h) The contracts or purchases made by the commissioners
3 involving an expenditure of over [four thousand dollars
4 (\$4,000)] ten thousand dollars (\$10,000)] which shall not
5 require advertising or bidding, as hereinbefore provided, are as
6 follows:

7 * * *

8 Section 1803. Evasion of Advertising Requirements.--No
9 commissioner or commissioners shall evade the provisions of
10 section one thousand eight hundred two of this act, as to
11 advertising for bids or purchasing or contracting for services
12 and personal properties piece-meal, for the purpose of obtaining
13 prices under [four thousand dollars (\$4,000)] ten thousand
14 dollars (\$10,000) upon transactions which should in the exercise
15 of reasonable discretion and prudence be conducted as one
16 transaction amounting to more than [four thousand dollars
17 (\$4,000)] ten thousand dollars (\$10,000). This provision is
18 intended to make unlawful the practice of evading advertising
19 requirements by making a series of purchases or contracts each
20 for less than the advertising requirement price, or by making
21 several simultaneous purchases or contracts each below said
22 price, when in either case the transaction involved should have
23 been made as one transaction for one price. Any county
24 commissioners who so vote in violation of this provision and who
25 know that the transaction upon which they so vote is or ought to
26 be a part of a larger transaction and that it is being divided
27 in order to evade the requirements as to advertising for bids
28 shall be, jointly and severally, subject to surcharge for any
29 loss sustained. Wherever it shall appear that a commissioner may
30 have voted in violation of this section, but the purchase or

1 contract on which he so voted was not approved by the board of
2 county commissioners, this section shall be inapplicable.

3 Section 2. Sections 2317 and 2670 of the act, amended
4 December 22, 1981 (P.L.580, No.167), are amended to read:

5 Section 2317. Separate Bids for Plumbing, Heating,
6 Ventilating, Electrical Work, Elevators and Moving Stairs.--In
7 the preparation of specifications for the erection, construction
8 and alteration of any public building, when the entire cost of
9 such work shall exceed [four thousand dollars (\$4000)] ten
10 thousand dollars (\$10,000) the architect, engineer or other
11 person preparing such specifications shall prepare only the
12 following separate specifications: (1) plumbing, (2) heating,
13 (3) ventilating, (4) electrical work, (5) elevators and moving
14 stairs, and (6) one complete set of specifications for all the
15 other work to be done in such erection, construction and
16 alteration. The board of commissioners shall receive separate
17 bids upon each of the said branches of work and award the
18 contract for the same to the lowest responsible bidder for each
19 of said branches, including the balance of the work in addition
20 to the plumbing, heating, ventilating and electrical work, and
21 elevators and moving stairs. Where it is desired to install an
22 air conditioning unit, the heating and ventilating so involved
23 may be regarded as one branch of work having only one set of
24 specifications, and bids may be received and a contract awarded
25 thereon, as hereinbefore provided.

26 Section 2670. Building or Repair of Bridges.--In addition to
27 the provisions of Articles XVIII and XXIII of this act relating
28 to contracting for services and personal property, whenever the
29 county commissioners propose to build or repair a bridge at a
30 cost in excess of [four thousand dollars (\$4000)] ten thousand

1 dollars (\$10,000) their advertisements for bids shall contain
2 the description of the repairs, or designs of the kind of
3 bridge, required. When the contract is for the building of a
4 bridge, the designs and specifications therefor, or a copy
5 thereof, shall be kept in the office of the county
6 commissioners, open to the inspection of all intending bidders
7 during such advertising and the time specified therein for the
8 reception of bids. In the case of a bridge to be erected over a
9 stream upon the line between two adjoining counties, the
10 advertising shall be done in each of said counties, and a copy
11 of the plans and specifications shall be kept in the
12 commissioners' office of each county. The time of filing bids
13 and the person's name with whom filed must be marked on the
14 outside of said bids.

15 Section 3. This act shall take effect in 60 days.