

1 ~~LEVEL FOR THE COUNTY SHALL BE SUBJECT TO SECTION 1802(A.1) AND~~
2 ~~TEN THOUSAND DOLLARS (\$10,000)~~ shall be by note or memorandum, <—
3 in writing, signed by the county commissioners, or their agent.
4 A copy of all such notes and memorandums and all written
5 contracts shall be filed in the office of the controller, if
6 any, and, if not, ~~then with the chief clerk of the~~ <—
7 ~~commissioners. The commissioners shall, where possible,~~
8 ~~anticipate the needs of the~~ NOT, THEN WITH THE CHIEF CLERK OF <—
9 THE COMMISSIONERS.

10 (B) WRITTEN OR TELEPHONIC PRICE QUOTATIONS FROM AT LEAST
11 THREE QUALIFIED AND RESPONSIBLE CONTRACTORS SHALL BE REQUESTED
12 FOR ALL CONTRACTS THAT EXCEED FOUR THOUSAND DOLLARS (\$4,000) BUT
13 ARE LESS THAN THE AMOUNT REQUIRING ADVERTISEMENT AND COMPETITIVE
14 BIDDING OR, IN LIEU OF PRICE QUOTATIONS, A MEMORANDUM SHALL BE
15 KEPT ON FILE SHOWING THAT FEWER THAN THREE QUALIFIED CONTRACTORS
16 EXIST IN THE MARKET AREA WITHIN WHICH IT IS PRACTICABLE TO
17 OBTAIN QUOTATIONS. A WRITTEN RECORD OF TELEPHONIC PRICE
18 QUOTATIONS SHALL BE MADE AND SHALL CONTAIN AT LEAST THE DATE OF
19 THE QUOTATION, THE NAME OF THE CONTRACTOR AND THE CONTRACTOR'S
20 REPRESENTATIVE, THE CONSTRUCTION, RECONSTRUCTION, REPAIR,
21 MAINTENANCE OR WORK WHICH WAS THE SUBJECT OF THE QUOTATION AND
22 THE PRICE. WRITTEN PRICE QUOTATIONS, WRITTEN RECORDS OF
23 TELEPHONIC PRICE QUOTATIONS AND MEMORANDA SHALL BE RETAINED FOR
24 A PERIOD OF THREE YEARS.

25 (C) THE COMMISSIONERS SHALL, WHERE POSSIBLE, ANTICIPATE THE
26 NEEDS OF THE various officers and agencies of the county and
27 endeavor to purchase in wholesale quantities, where practicable
28 and where savings could be achieved thereby. The commissioners
29 may make contracts and purchases for all purposes expressly or
30 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 [four thousand dollars (\$4,000)] ~~ten thousand dollars (\$10,000)~~ <—
5 ~~THE MONETARY THRESHOLD LEVEL FOR THE COUNTY TEN THOUSAND DOLLARS~~ <—
6 ~~(\$10,000)~~, shall be written and shall, except as otherwise
7 hereinafter specified, be made by advertising for bids.

8 ~~(A.1) THE MONETARY THRESHOLD LEVEL ABOVE WHICH COMPETITIVE~~ <—
9 ~~BIDDING SHALL BE REQUIRED SHALL BE ONE PER CENTUM (1%) OF THE~~
10 ~~TOTAL OF ALL BUDGETS ADMINISTERED BY THE COUNTY, BUT IN NO CASE~~
11 ~~SHALL THE MONETARY THRESHOLD BE LESS THAN FOUR THOUSAND DOLLARS~~
12 ~~(\$4,000), NOR MORE THAN TEN THOUSAND DOLLARS (\$10,000).~~

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

28 * * *

29 (h) The contracts or purchases made by the commissioners
30 involving an expenditure of over [four thousand dollars

1 (\$4,000)] ~~ten thousand dollars (\$10,000)] THE MONETARY THRESHOLD~~ <—
2 ~~LEVEL FOR THE COUNTY TEN THOUSAND DOLLARS (\$10,000)~~ which shall <—

3 not require advertising or bidding, as hereinbefore provided,
4 are as follows:

5 (1) Those for maintenance, repairs or replacements for
6 water, electric light, or other public works of the county where
7 they do not constitute new additions, extensions or enlargements
8 of existing facilities and equipment. A bond may be required by
9 the commissioners as in other cases for work done.

10 (2) Those made for improvements, repairs and maintenance of
11 any kind, made or provided by the county through its own
12 employes. This shall not apply to construction materials used in
13 a street improvement.

14 (3) Those where particular types, models or pieces of new
15 equipment, articles, apparatus, appliances, vehicles or parts
16 thereof, are desired by the commissioners, which are patented
17 and manufactured or copyrighted products.

18 (4) Those involving any policies of insurance or surety
19 company bonds, those made for public utility service under
20 tariffs on file with the Pennsylvania Public Utility Commission,
21 those made with another political subdivision, the Commonwealth
22 of Pennsylvania, the Federal Government, any agency of the
23 Commonwealth or the Federal Government or any municipal
24 authority, including the sale, leasing or loan of any supplies
25 or materials by the Commonwealth or the Federal Government or
26 their agencies, but the price thereof shall not be in excess of
27 that fixed by the Commonwealth, or the Federal Government, or
28 their respective agencies.

29 (5) Those involving services of members of the medical or
30 legal profession, registered architects, engineers, certified

1 public accountants or other personal services involving
2 professional expert advice.

3 (6) Those involving contracts entered into by nonprofit
4 cooperative hospital service associations for hospitals and
5 nursing homes which are part of the institutional district or
6 which are owned by the county; operated by the county; or
7 affiliated with the county by the purchasing of, or
8 participating in contracts for, materials, supplies and
9 equipment.

10 * * *

11 Section 1803. Evasion of Advertising Requirements.--(A) No <—
12 commissioner or commissioners shall evade the provisions of
13 section one thousand eight hundred two of this act, as to
14 advertising for bids or purchasing or contracting for services
15 and personal properties piece-meal, for the purpose of obtaining
16 prices under [four thousand dollars (\$4,000)] ~~ten thousand~~ <—
17 ~~dollars (\$10,000) THE MONETARY THRESHOLD LEVEL FOR THE COUNTY~~ <—
18 ~~TEN THOUSAND DOLLARS (\$10,000)~~ upon transactions which should in <—
19 the exercise of reasonable discretion and prudence be conducted
20 as one transaction amounting to more than [four thousand dollars
21 (\$4,000)] ~~ten thousand dollars (\$10,000) THE MONETARY THRESHOLD~~ <—
22 ~~LEVEL FOR THE COUNTY TEN THOUSAND DOLLARS (\$10,000)~~. This <—
23 provision is intended to make unlawful the practice of evading
24 advertising requirements by making a series of purchases or
25 contracts each for less than the advertising requirement price,
26 or by making several simultaneous purchases or contracts each
27 below said price, when in either case the transaction involved
28 should have been made as one transaction for one price. Any
29 county commissioners who so vote in violation of this provision
30 and who know that the transaction upon which they so vote is or

1 ought to be a part of a larger transaction and that it is being
2 divided in order to evade the requirements as to advertising for
3 bids shall be, jointly and severally, subject to surcharge for
4 any loss sustained. Wherever it shall appear that a commissioner
5 may have voted in violation of this section, but the purchase or
6 contract on which he so voted was not approved by the board of
7 county commissioners, this section shall be inapplicable.

8 (B) ANY COUNTY COMMISSIONER WHO VOTES TO UNLAWFULLY EVADE <—
9 THE PROVISIONS OF SECTION ONE THOUSAND EIGHT HUNDRED TWO OF THIS
10 ACT AND WHO KNOWS THAT THE TRANSACTION UPON WHICH HE SO VOTES IS
11 OR OUGHT TO BE A PART OF A LARGER TRANSACTION AND THAT IT IS
12 BEING DIVIDED IN ORDER TO EVADE THE REQUIREMENTS AS TO
13 ADVERTISING FOR BIDS, COMMITS A MISDEMEANOR OF THE THIRD DEGREE
14 FOR EACH CONTRACT ENTERED INTO AS A DIRECT RESULT OF THAT VOTE.
15 THIS PENALTY SHALL BE IN ADDITION TO ANY SURCHARGE WHICH MAY BE
16 ASSESSED PURSUANT TO SUBSECTION (A).

17 Section 2. ~~Sections 2317 and 2670~~ SECTION 2317 of the act, <—
18 amended December 22, 1981 (P.L.580, No.167), ~~are~~ IS amended to <—
19 read:

20 Section 2317. Separate Bids for Plumbing, Heating,
21 Ventilating, Electrical Work, Elevators and Moving Stairs.--In
22 the preparation of specifications for the erection, construction
23 and alteration of any public building, when the entire cost of
24 such work shall exceed [four thousand dollars (\$4000)] ~~ten~~ <—
25 ~~thousand dollars (\$10,000) THE MONETARY THRESHOLD LEVEL FOR THE~~ <—
26 ~~COUNTY~~ TEN THOUSAND DOLLARS (\$10,000) the architect, engineer or <—
27 other person preparing such specifications shall prepare only
28 the following separate specifications: (1) plumbing, (2)
29 heating, (3) ventilating, (4) electrical work, (5) elevators and
30 moving stairs, and (6) one complete set of specifications for

1 all the other work to be done in such erection, construction and
2 alteration. The board of commissioners shall receive separate
3 bids upon each of the said branches of work and award the
4 contract for the same to the lowest responsible bidder for each
5 of said branches, including the balance of the work in addition
6 to the plumbing, heating, ventilating and electrical work, and
7 elevators and moving stairs. Where it is desired to install an
8 air conditioning unit, the heating and ventilating so involved
9 may be regarded as one branch of work having only one set of
10 specifications, and bids may be received and a contract awarded
11 thereon, as hereinbefore provided.

12 SECTION 3. SECTION 2327 OF THE ACT IS AMENDED TO READ: <—

13 SECTION 2327. DISPLAY OF MUNICIPAL FLAGS ON COUNTY BUILDINGS
14 AUTHORIZED.--IT SHALL BE LAWFUL TO DISPLAY THE FLAG OF ANY
15 COUNTY, CITY, BOROUGH OR OTHER MUNICIPALITY IN THE COMMONWEALTH
16 OR THE OFFICIAL POW/MIA FLAG ON THE PUBLIC BUILDINGS OR GROUNDS
17 OF ANY COUNTY.

18 SECTION 4. SECTION 2670 OF THE ACT, AMENDED DECEMBER 22,
19 1981 (P.L.580, NO.167), IS AMENDED TO READ:

20 Section 2670. Building or Repair of Bridges.--In addition to
21 the provisions of Articles XVIII and XXIII of this act relating
22 to contracting for services and personal property, whenever the
23 county commissioners propose to build or repair a bridge at a
24 cost in excess of [four thousand dollars (\$4000)] ~~ten thousand~~ <—
25 ~~dollars (\$10,000) THE MONETARY THRESHOLD LEVEL FOR THE COUNTY~~ <—
26 TEN THOUSAND DOLLARS (\$10,000) their advertisements for bids <—
27 shall contain the description of the repairs, or designs of the
28 kind of bridge, required. When the contract is for the building
29 of a bridge, the designs and specifications therefor, or a copy
30 thereof, shall be kept in the office of the county

1 commissioners, open to the inspection of all intending bidders
2 during such advertising and the time specified therein for the
3 reception of bids. In the case of a bridge to be erected over a
4 stream upon the line between two adjoining counties, the
5 advertising shall be done in each of said counties, and a copy
6 of the plans and specifications shall be kept in the
7 commissioners' office of each county. The time of filing bids
8 and the person's name with whom filed must be marked on the
9 outside of said bids.

10 Section 3 5. This act shall take effect in 60 days.

<—