

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 751 Session of
1989

INTRODUCED BY STOUT, CORMAN, STEWART, BRIGHTBILL, PUNT, LEMMOND,
PORTERFIELD, MADIGAN, AFFLERBACH, REIBMAN AND PETERSON,
MARCH 23, 1989

SENATOR PECORA, LOCAL GOVERNMENT, AS AMENDED, OCTOBER 24, 1989

AN ACT

1 Amending the act of April 29, 1937 (P.L.526, No.118), entitled,
2 as reenacted and amended, "An act providing for and
3 regulating joint purchases by counties (other than counties
4 of the first class), cities of the second and third class,
5 boroughs, towns, townships, school districts, institution
6 districts, and poor districts," increasing the amount of
7 purchases that may be made without advertisement.

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

10 Section 1. Section 2 of the act of April 29, 1937 (P.L.526,
11 No.118), entitled, as reenacted and amended, "An act providing
12 for and regulating joint purchases by counties (other than
13 counties of the first class), cities of the second and third
14 class, boroughs, towns, townships, school districts, institution
15 districts, and poor districts," reenacted and amended July 28,
16 1941 (P.L.544, No.224) and amended December 22, 1981 (P.L.529,
17 No.150), is amended to read:

18 Section 2. All such purchases involving the expenditure of
19 over [four thousand dollars (\$4,000)] ten thousand dollars
20 (\$10,000), shall be in writing, and shall be made only after

1 notice, by one of the political subdivisions joining therein,
2 once a week for two weeks in one or more newspapers of general
3 circulation published in the political subdivision advertising
4 the same. All plans and specifications shall be placed on file
5 by each of the political subdivisions joining in such purchase
6 at least fifteen days in advance of opening bids.

7 NO COUNTY OR MUNICIPAL GOVERNMENT SHALL EVADE THE PROVISIONS <—
8 OF THIS SECTION AS TO ADVERTISING FOR BIDS OR PURCHASING
9 MATERIALS OR CONTRACTING FOR SERVICES PIECE-MEAL, FOR THE
10 PURPOSE OF OBTAINING PRICES UNDER TEN THOUSAND DOLLARS (\$10,000)
11 UPON TRANSACTIONS WHICH SHOULD IN THE EXERCISE OF REASONABLE
12 DISCRETION AND PRUDENCE BE CONDUCTED AS ONE TRANSACTION
13 AMOUNTING TO MORE THAN TEN THOUSAND DOLLARS (\$10,000). THIS
14 PROVISION IS INTENDED TO MAKE UNLAWFUL THE PRACTICE OF EVADING
15 ADVERTISING REQUIREMENTS BY MAKING A SERIES OF PURCHASES OR
16 CONTRACTS EACH FOR LESS THAN THE ADVERTISING REQUIREMENT PRICE,
17 OR BY MAKING SEVERAL SIMULTANEOUS PURCHASES OR CONTRACTS EACH
18 BELOW SAID PRICE, WHEN IN EITHER CASE THE TRANSACTION INVOLVED
19 SHOULD HAVE BEEN MADE AS ONE TRANSACTION FOR ONE PRICE.

20 Every contract for the construction, reconstruction,
21 alteration, repair, improvement or maintenance of public works
22 shall comply with the provisions of the act of March 3, 1978
23 (P.L.6, No.3), known as the "Steel Products Procurement Act."

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