

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 290 Session of  
2011

INTRODUCED BY M. K. KELLER, AUMENT, BAKER, BEAR, BENNINGHOFF,  
BLOOM, BOBACK, BOYD, BROOKS, CAUSER, CHRISTIANA, CLYMER, COX,  
CREIGHTON, CUTLER, DELOZIER, DENLINGER, ELLIS, EVERETT,  
FARRY, FLECK, GABLER, GEIST, GILLESPIE, GINGRICH, GRELL,  
GROVE, HALUSKA, HARHART, HARPER, HARRIS, HELM, HENNESSEY,  
HESS, HICKERNELL, KAUFFMAN, KILLION, KNOWLES, MAJOR,  
MARSHALL, MARSICO, MASSER, METCALFE, MILLARD, MILLER, MOUL,  
OBERLANDER, O'NEILL, PAYNE, PEIFER, PERRY, PICKETT, PYLE,  
QUIGLEY, QUINN, RAPP, REED, REICHLEY, ROAE, ROCK, ROSS,  
SAYLOR, SCAVELLO, CULVER, SCHRODER, SIMMONS, SONNEY, STERN,  
STEVENSON, SWANGER, TALLMAN, TOBASH, TRUITT, TURZAI, VEREB,  
VULAKOVICH, WATSON AND F. KELLER, JANUARY 27, 2011

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 24, 2011

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,  
2 as amended, "An act relating to counties of the second class  
3 and second class A; amending, revising, consolidating and  
4 changing the laws relating thereto," in preliminary  
5 provisions, providing for adjustments based on Consumer Price  
6 Index relating to contracts and purchases; IN SHERIFF AND  
7 CORONER, ~~FURTHER PROVIDING FOR CHIEF DEPUTY, FOR DEPUTIES AND~~  
8 ~~CLERKS, FOR PUBLIC LIST OF APPLICANTS FOR DEPUTY SHERIFF AND~~  
9 PROVIDING FOR CHIEF DEPUTY IN COUNTIES OF THE SECOND CLASS,  
10 FOR DEPUTIES AND CLERKS IN COUNTIES OF THE SECOND CLASS AND  
11 FOR PUBLIC LIST OF APPLICANTS FOR DEPUTY SHERIFF IN COUNTIES  
12 OF THE SECOND CLASS; AND FURTHER PROVIDING FOR SHERIFF'S  
13 EMPLOYEES AND COUNTIES OF THE SECOND CLASS; in contracts,  
14 further regulating contracts and purchases; ~~and,~~ in grounds,  
15 property and buildings, further providing for SEPARATE  
16 SPECIFICATIONS AND CONTRACTS FOR CERTAIN ITEMS; AND, IN  
17 SPORTS AND EXHIBITION AUTHORITY, FURTHER PROVIDING FOR  
18 competition in award of contracts.

19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

Section 1. ~~The act of July 28, 1953 (P.L.723, No.230), known~~  
~~as the Second Class County Code, is amended by adding a section~~  
~~to read:~~

~~Section 112. Adjustments Based on Change in Consumer Price~~  
~~Index. (a) Adjustments to the base amounts specified under~~  
~~sections 2001(a) and (d), 2517(a) and 2511 A(a), (b), (b.1) and~~  
~~(h) shall be made as follows:~~

~~(1) The Department of Labor and Industry shall determine the~~  
~~percentage change in the All Items Consumer Price Index for All~~  
~~Urban Consumers (CPI-U) for the United States City Average as~~  
~~published by the United States Department of Labor, Bureau of~~  
~~Labor Statistics for the twelve month period ending September 30~~  
~~of the calendar year in which this subsection becomes effective,~~  
~~and for each successive twelve month period thereafter.~~

~~(2) If the department determines that there is no positive~~  
~~percentage change, then no adjustment to the base amounts shall~~  
~~occur for the relevant time period provided for in this~~  
~~subsection.~~

~~(3) (i) If the department determines that there is a~~  
~~positive percentage change in the first year that the~~  
~~determination is made under paragraph (1), the positive~~  
~~percentage change shall be multiplied by each base amount and~~  
~~the products shall be added to the base amounts, respectively,~~  
~~and the sums shall be preliminary adjusted amounts.~~

~~(ii) The preliminary adjusted amounts shall be rounded to~~  
~~the nearest one thousand dollars (\$1,000), to determine the~~  
~~final adjusted base amounts for purposes of sections 2001(a) and~~  
~~(d), 2517(a) and 2511 A(a), (b), (b.1) and (h).~~

~~(4) In each successive year in which there is a positive~~  
~~percentage change in the CPI-U for the United States City~~

~~Average, the positive percentage change shall be multiplied by the most recent preliminary adjusted amounts and the products shall be added to the most recent preliminary adjusted amounts, respectively. The sums thereof shall be rounded to the nearest one thousand dollars (\$1,000) to determine the new final adjusted base amounts for purposes of sections 2001(a) and (d), 2517(a) and 2511 A(a), (b), (b.1) and (h).~~

~~(5) The determinations and adjustments required under this subsection shall be made in the period between October 1 and November 15 of the year following the effective date of this subsection, and annually between October 1 and November 15 of each year thereafter.~~

~~(6) The final adjusted base amounts and new final adjusted base amounts obtained under paragraphs (3) and (4) shall become effective January 1 for the calendar year following the year in which the determination required under paragraph (1) is made.~~

~~(7) The department shall publish notice in the Pennsylvania Bulletin prior to January 1 of each calendar year of the annual percentage change determined under paragraph (1) and the unadjusted or final adjusted base amounts determined under paragraphs (3) and (4) for purposes of sections 2001(a) and (d), 2517(a) and 2511 A(a), (b), (b.1) and (h), respectively, for the calendar year beginning the first day of January after publication of the notice. The notice shall include a written and illustrative explanation of the calculations performed by the department in establishing the unadjusted or final adjusted base amounts under this subsection for the ensuing calendar year.~~

~~(b) (Reserved).~~

~~Section 2. Section 2001(a) and (d) of the act, amended~~

~~November 30, 2004 (P.L.1439, No.186), are amended to read:~~

~~Section 2001. County Commissioners to Make Contracts. The County Commissioners may make contracts for lawful purposes and for the purposes of carrying into execution the provisions of this section and the laws of the Commonwealth.~~

~~(a) Except as provided in subsection (a.1), all contracts or purchases in excess of [ten thousand dollars (\$10,000)] the base amount of twenty five thousand dollars (\$25,000), subject to annual adjustment under section 112, shall be in writing and, except those hereinafter mentioned and except as provided by the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received," shall not be made except with and from the lowest responsible and responsive bidder meeting specifications, after due notice in at least one newspaper of general circulation, published or circulating in the county at least two (2) times, at intervals of not less than three (3) days where daily newspapers of general circulation are employed for such publication, or in case weekly newspapers are employed, then the notice shall be published once a week for two (2) successive weeks. The first advertisement shall be published not less than ten (10) days prior to the date fixed for the opening of bids.~~

~~\* \* \*~~

~~(d) The contracts or purchases made by the commissioners involving an expenditure [of over ten thousand dollars (\$10,000)] in the excess of the base amount of twenty five thousand dollars (\$25,000), subject to annual adjustment under~~

~~section 112, which shall not require advertising or bidding as  
hereinbefore provided are as follows:~~

~~(1) Those for maintenance, repairs or replacements for  
water, electric light, or other public works: Provided, That  
they do not constitute new additions, extensions or enlargements  
of existing facilities and equipment. Security may be required  
by the county commissioners as in other cases of work done.~~

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

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

~~(4) Those involving any policies of insurance or surety  
company bonds, those made for public utility service and  
electricity, natural gas or telecommunication services:  
Provided, That, in the case of utilities not under tariffs on  
file with the Pennsylvania Public Utility Commission, contracts  
made without advertising and bidding shall be made only after  
receiving written or telephonic price quotations from at least  
three (3) qualified and responsible contractors, or in lieu of  
price quotations a memorandum shall be kept on file showing that  
fewer than three (3) qualified contractors exist in the market  
area within which it is practicable to obtain quotations. A  
written record of telephonic price quotations shall be made and  
contain at least the date of the quotation, the name of the  
contractor and the contractor's representative.~~

~~(5) Those involving personal or professional services,~~

~~including, but not limited to, services of members of the medical or legal profession, registered architects, engineers, certified public accountants or other personal services involving professional expertise.~~

~~(6) Those involving tangible client services provided by nonprofit agencies. For the purposes of this clause, the term "tangible client services" shall mean congregate meals, home delivered meals, transportation and chore services provided through area agencies on aging.~~

~~(6.1) Those involving contracts entered into by nonprofit cooperative hospital service associations for hospitals and nursing homes which are part of the institutional district or which are owned by the county, operated by the county or affiliated with the county by the purchasing of or participating in contracts for materials, supplies and equipment.~~

~~(7) Those involving the purchase of milk.~~

~~(8) Those made with any public body, including, but not limited to, the sale, lease or loan of any supplies or materials to the county by a public body, provided that the price thereof shall not be in excess of that fixed by the public body. The requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) shall not apply when a county purchases cooperatively with another public body which has entered into a contract for supplies or materials. As used in this paragraph, "public body" shall mean any of the following:~~

~~(i) the Federal Government;~~

~~(ii) the Commonwealth of Pennsylvania;~~

~~(iii) any other state;~~

~~(iv) a political subdivision, local or municipal authority or other similar local entity of the Commonwealth or any other~~

1 ~~state; or~~

2 ~~(v) an agency of the Federal Government, the Commonwealth or~~  
3 ~~any other state.~~

4 ~~(9) Those exclusively involving construction management~~  
5 ~~services.~~

6 ~~(10) Those involving computer software.~~

7 ~~\* \* \*~~

8 ~~Section 3. Section 2517(a) of the act, amended December 9,~~  
9 ~~2002 (P.L.1383, No.170), is amended to read:~~

10 ~~Section 2517. Separate Specifications and Contracts for~~  
11 ~~Certain Items. (a) In the preparation of specifications for the~~  
12 ~~erection, construction and alteration of any public building,~~  
13 ~~when the entire cost of such work shall exceed [ten thousand~~  
14 ~~dollars (\$10,000)] the base amount of twenty five thousand~~  
15 ~~dollars (\$25,000), subject to annual adjustment under section~~  
16 ~~112, the architect, engineer or other person preparing such~~  
17 ~~specifications shall prepare separate specifications for the~~  
18 ~~plumbing, heating, ventilating and electrical work. The board of~~  
19 ~~commissioners shall receive separate bids upon each of the said~~  
20 ~~branches of work and award the contract for the same to the~~  
21 ~~lowest responsible bidder for each of said branches.~~

22 ~~\* \* \*~~

23 ~~Section 4. Section 2511 A(a), (b), (b.1) and (h) of the act,~~  
24 ~~added October 30, 2000 (P.L.616, No.85), are amended to read:~~

25 ~~Section 2511 A. Competition in Award of Contracts. (a) All~~  
26 ~~construction, reconstruction, repairs or work of any nature made~~  
27 ~~by any Authority, where the entire cost, value or amount of such~~  
28 ~~construction, reconstruction, repairs or work, including labor~~  
29 ~~and materials, shall exceed [ten thousand dollars (\$10,000)] the~~  
30 ~~base amount of twenty five thousand dollars (\$25,000), subject~~

~~to annual adjustment under section 112, except construction, reconstruction, repairs or work done by employees of said Authority or by labor supplied under agreement with any Federal or State agency with supplies and materials purchased, as hereinafter provided, shall be done only under contract or contracts to be entered into by the Authority with the lowest responsible bidder upon proper terms, after due public notice has been given asking for competitive bids hereinafter provided. No contract shall be entered into for construction or improvement or repair of any project or portion thereof unless the contractor shall give an undertaking, with a sufficient surety or sureties approved by the Authority and in an amount fixed by the Authority, for the faithful performance of the contract. All such contracts shall provide, among other things, that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking as though such person or corporation was named therein, provided the action is brought within one (1) year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of the Authority to construct, repair or improve any project or portion thereof or any addition, betterment or extension thereto directly by the officers, agents and employees of the Authority or otherwise than by contract.~~

~~(b) All supplies and materials costing [ten thousand dollars (\$10,000)] the base amount of twenty five thousand dollars (\$25,000), subject to annual adjustment under section 112, or~~



~~more shall be purchased only after due advertisement as  
hereinafter provided. The Authority shall accept the lowest bid  
or bids, kinds, quality and material being equal, but the  
Authority shall have the right to reject any or all bids or  
select a single item from any bid. The provisions as to bidding  
shall not apply to the purchase of patented and manufactured  
products offered for sale in a non-competitive market or solely  
by a manufacturer's authorized dealer.~~

~~(b.1) Written or telephonic price quotations from at least  
three (3) qualified and responsible contractors shall be  
requested for all contracts that exceed [four thousand dollars  
(\$4,000)] the base amount of ten thousand dollars (\$10,000),  
subject to annual adjustment under section 112, but are less  
than the amount requiring advertisement and competitive bidding,  
or, in lieu of price quotations, a memorandum shall be kept on  
file showing that fewer than three (3) qualified contractors  
exist in the market area within which it is practicable to  
obtain quotations. A written record of telephonic price  
quotations shall be made and shall contain at least the date of  
the quotation, the name of the contractor and the contractor's  
representative, the construction, reconstruction, repair,  
maintenance or work which was the subject of the quotation and  
the price. Written price quotations, written records of  
telephonic price quotations and memoranda shall be retained for  
a period of three (3) years.~~

~~\* \* \*~~

~~(h) An Authority shall not evade the provisions of this  
section as to advertising for bids or purchasing materials or  
contracting for services piecemeal for the purpose of obtaining  
prices under [ten thousand dollars (\$10,000)] the base amount of~~

~~twenty five thousand dollars (\$25,000), subject to annual  
adjustment under section 112, upon transactions which should, in  
the exercise of reasonable discretion and prudence, be conducted  
as one transaction amounting to more than [ten thousand dollars  
(\$10,000)] the base amount of twenty five thousand dollars  
(\$25,000), subject to annual adjustment under section 112. This  
provision is intended to make unlawful the practice of evading  
advertising requirements by making a series of purchases or  
contracts each for less than the advertising requirement price  
or by making several simultaneous purchases or contracts each  
below said price when in either case the transaction involved  
should have been made as one transaction for one price.~~

~~\* \* \*~~

~~Section 5. This act shall apply to contracts and purchases  
advertised on or after January 1 of the year following the  
effective date of this section.~~

~~Section 6. This act shall take effect immediately.~~

SECTION 1. THE ACT OF JULY 28, 1953 (P.L.723, NO.230), KNOWN  
AS THE SECOND CLASS COUNTY CODE, IS AMENDED BY ADDING A SECTION  
SECTIONS TO READ:

SECTION 112. ADJUSTMENTS BASED ON CONSUMER PRICE INDEX.-- (A)  
ADJUSTMENTS TO THE BASE AMOUNTS SHALL BE MADE AS FOLLOWS:

(1) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL DETERMINE THE  
PERCENTAGE CHANGE IN THE ALL ITEMS CONSUMER PRICE INDEX FOR ALL  
URBAN CONSUMERS (CPI-U) FOR THE UNITED STATES CITY AVERAGE AS  
PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF  
LABOR STATISTICS FOR THE TWELVE-MONTH PERIOD ENDING SEPTEMBER  
30, 2012, AND FOR EACH SUCCESSIVE TWELVE-MONTH PERIOD  
THEREAFTER.

(2) IF THE DEPARTMENT DETERMINES THAT THERE IS NO POSITIVE

1 PERCENTAGE CHANGE, THEN NO ADJUSTMENT TO THE BASE AMOUNTS SHALL  
2 OCCUR FOR THE RELEVANT TIME PERIOD PROVIDED FOR IN THIS  
3 SUBSECTION.

4 (3) (I) IF THE DEPARTMENT DETERMINES THAT THERE IS A  
5 POSITIVE PERCENTAGE CHANGE IN THE FIRST YEAR THAT THE  
6 DETERMINATION IS MADE UNDER PARAGRAPH (1), THE POSITIVE  
7 PERCENTAGE CHANGE SHALL BE MULTIPLIED BY EACH BASE AMOUNT AND  
8 THE PRODUCTS SHALL BE ADDED TO THE BASE AMOUNTS, RESPECTIVELY,  
9 AND THE SUMS SHALL BE PRELIMINARY ADJUSTED AMOUNTS.

10 (II) THE PRELIMINARY ADJUSTED AMOUNTS SHALL BE ROUNDED TO  
11 THE NEAREST ONE HUNDRED DOLLARS (\$100), TO DETERMINE THE FINAL  
12 ADJUSTED BASE AMOUNTS.

13 (4) IN EACH SUCCESSIVE YEAR IN WHICH THERE IS A POSITIVE  
14 PERCENTAGE CHANGE IN THE CPI-U FOR THE UNITED STATES CITY  
15 AVERAGE, THE POSITIVE PERCENTAGE CHANGE SHALL BE MULTIPLIED BY  
16 THE MOST RECENT PRELIMINARY ADJUSTED AMOUNTS AND THE PRODUCTS  
17 SHALL BE ADDED TO THE PRELIMINARY ADJUSTED AMOUNT OF THE PRIOR  
18 YEAR TO CALCULATE THE PRELIMINARY ADJUSTED AMOUNTS FOR THE  
19 CURRENT YEAR. THE SUMS THEREOF SHALL BE ROUNDED TO THE NEAREST  
20 ONE HUNDRED DOLLARS (\$100) TO DETERMINE THE NEW FINAL ADJUSTED  
21 BASE AMOUNTS.

22 (5) THE DETERMINATIONS AND ADJUSTMENTS REQUIRED UNDER THIS  
23 SUBSECTION SHALL BE MADE IN THE PERIOD BETWEEN OCTOBER 1 AND  
24 NOVEMBER 15 OF THE YEAR FOLLOWING THE EFFECTIVE DATE OF THIS  
25 SUBSECTION, AND ANNUALLY BETWEEN OCTOBER 1 AND NOVEMBER 15 OF  
26 EACH YEAR THEREAFTER.

27 (6) THE FINAL ADJUSTED BASE AMOUNTS AND NEW FINAL ADJUSTED  
28 BASE AMOUNTS OBTAINED UNDER PARAGRAPHS (3) AND (4) SHALL BECOME  
29 EFFECTIVE JANUARY 1 FOR THE CALENDAR YEAR FOLLOWING THE YEAR IN  
30 WHICH THE DETERMINATION REQUIRED UNDER PARAGRAPH (1) IS MADE.

1     (7) THE DEPARTMENT SHALL PUBLISH NOTICE IN THE PENNSYLVANIA  
2 BULLETIN PRIOR TO JANUARY 1 OF EACH CALENDAR YEAR OF THE ANNUAL  
3 PERCENTAGE CHANGE DETERMINED UNDER PARAGRAPH (1) AND THE  
4 UNADJUSTED OR FINAL ADJUSTED BASE AMOUNTS DETERMINED UNDER  
5 PARAGRAPHS (3) AND (4) AT WHICH COMPETITIVE BIDDING OR WRITTEN  
6 OR TELEPHONIC PRICE QUOTATIONS ARE REQUIRED FOR THE CALENDAR  
7 YEAR BEGINNING THE FIRST DAY OF JANUARY AFTER PUBLICATION OF THE  
8 NOTICE. THE NOTICE SHALL INCLUDE A WRITTEN AND ILLUSTRATIVE  
9 EXPLANATION OF THE CALCULATIONS PERFORMED BY THE DEPARTMENT IN  
10 ESTABLISHING THE UNADJUSTED OR FINAL ADJUSTED BASE AMOUNTS UNDER  
11 THIS SUBSECTION FOR THE ENSUING CALENDAR YEAR.

12     (8) THE ANNUAL INCREASE IN THE PRELIMINARY ADJUSTED BASE  
13 AMOUNTS OBTAINED UNDER PARAGRAPHS (3) AND (4) SHALL NOT EXCEED  
14 THREE PER CENT.

15     ~~SECTION 2. SECTIONS 1203, 1205 AND 1209 OF THE ACT ARE~~  
16 ~~AMENDED TO READ:~~

17     ~~SECTION 1203. CHIEF DEPUTY. THE SHERIFF OF THE COUNTY SHALL~~  
18 ~~APPOINT IN ACCORDANCE WITH SECTION 1216, BY COMMISSION DULY~~  
19 ~~RECORDED IN THE [OFFICE FOR RECORDING DEEDS] DEPARTMENT OF REAL~~  
20 ~~ESTATE, A CHIEF DEPUTY, WHOSE APPOINTMENT SHALL BE REVOCABLE BY~~  
21 ~~THE SHERIFF AT PLEASURE ON RECORDING IN SAID [OFFICE] DEPARTMENT~~  
22 ~~A SIGNED REVOCATION THEREOF. THE CHIEF DEPUTY, DURING HIS~~  
23 ~~CONTINUANCE IN OFFICE, SHALL HAVE FULL POWER AND AUTHORITY TO~~  
24 ~~PERFORM ANY DUTY INCUMBENT UPON SUCH SHERIFF WITH LIKE EFFECT IN~~  
25 ~~LAW AS IF SUCH OFFICIAL ACT HAD BEEN DONE BY THE SHERIFF IN~~  
26 ~~PERSON, REGARDLESS OF THE ABILITY OR TEMPORARY DISABILITY OF~~  
27 ~~SUCH SHERIFF TO ACT WHILE SUCH SHERIFF CONTINUES IN OFFICE.~~  
28 ~~NOTHING IN THIS SECTION SHALL OPERATE TO RELIEVE SUCH SHERIFF OR~~  
29 ~~HIS SURETIES FROM LIABILITY UPON THEIR OFFICIAL BOND.~~

30     ~~SECTION 1205. DEPUTIES AND CLERKS. THE SHERIFF OF THE~~

~~COUNTY MAY APPOINT IN ACCORDANCE WITH SECTION 1216 SUCH DEPUTIES  
AND CLERKS AS MAY BE NECESSARY TO PROPERLY TRANSACT THE BUSINESS  
OF HIS OFFICE. [HE MAY REVOKE THE APPOINTMENT OF DEPUTIES IN THE  
SAME MANNER AS HIS CHIEF DEPUTY.]~~

~~SECTION 1209. PUBLIC LIST OF APPLICANTS FOR DEPUTY  
SHERIFF. THE SHERIFF SHALL, FROM TIME TO TIME, PREPARE A LIST  
OF THE NAMES OF ALL PERSONS WHO HAVE APPLIED FOR APPOINTMENT AS  
DEPUTY SHERIFF AND WHO MEET THE QUALIFICATIONS HEREINBEFORE  
PRESCRIBED. SUCH LIST SHALL BE POSTED IN A PUBLIC PLACE FOR A  
PERIOD OF NOT LESS THAN TEN DAYS, AND THEREAFTER SHALL BE FILED  
IN THE [OFFICE OF THE PROTHONOTARY] DEPARTMENT OF COURT RECORDS  
CIVIL DIVISION. NO DEPUTIES SHALL BE APPOINTED BY THE SHERIFF  
WHOSE NAMES DO NOT APPEAR ON SAID LIST.~~

SECTION 1203.1. CHIEF DEPUTY IN COUNTIES OF THE SECOND  
CLASS.--IN COUNTIES OF THE SECOND CLASS, THE SHERIFF OF THE  
COUNTY SHALL APPOINT IN ACCORDANCE WITH SECTION 1216, BY  
COMMISSION DULY RECORDED IN THE DEPARTMENT OF REAL ESTATE, A  
CHIEF DEPUTY, WHOSE APPOINTMENT SHALL BE REVOCABLE BY THE  
SHERIFF AT PLEASURE ON RECORDING IN SAID DEPARTMENT A SIGNED  
REVOCATION THEREOF. THE CHIEF DEPUTY, DURING HIS CONTINUANCE IN  
OFFICE, SHALL HAVE FULL POWER AND AUTHORITY TO PERFORM ANY DUTY  
INCUMBENT UPON SUCH SHERIFF WITH LIKE EFFECT IN LAW AS IF SUCH  
OFFICIAL ACT HAD BEEN DONE BY THE SHERIFF IN PERSON, REGARDLESS  
OF THE ABILITY OR TEMPORARY DISABILITY OF SUCH SHERIFF TO ACT  
WHILE SUCH SHERIFF CONTINUES IN OFFICE. NOTHING IN THIS SECTION  
SHALL OPERATE TO RELIEVE SUCH SHERIFF OR HIS SURETIES FROM  
LIABILITY UPON THEIR OFFICIAL BOND.

SECTION 1205.1. DEPUTIES AND CLERKS IN COUNTIES OF THE  
SECOND CLASS.--IN COUNTIES OF THE SECOND CLASS, THE SHERIFF OF  
THE COUNTY MAY APPOINT IN ACCORDANCE WITH SECTION 1216, SUCH



1 DEPUTIES AND CLERKS AS MAY BE NECESSARY TO PROPERLY TRANSACT THE  
2 BUSINESS OF HIS OFFICE.

3 SECTION 1209.1. PUBLIC LIST OF APPLICANTS FOR DEPUTY SHERIFF  
4 IN COUNTIES OF THE SECOND CLASS.--IN COUNTIES OF THE SECOND  
5 CLASS, THE SHERIFF SHALL, FROM TIME TO TIME, PREPARE A LIST OF  
6 THE NAMES OF ALL PERSONS WHO HAVE APPLIED FOR APPOINTMENT AS  
7 DEPUTY SHERIFF AND WHO MEET THE QUALIFICATIONS HEREINBEFORE  
8 PRESCRIBED. SUCH LIST SHALL BE POSTED IN A PUBLIC PLACE FOR A  
9 PERIOD OF NOT LESS THAN TEN DAYS, AND THEREAFTER SHALL BE FILED  
10 IN THE DEPARTMENT OF COURT RECORDS - CIVIL DIVISION. NO DEPUTIES  
11 SHALL BE APPOINTED BY THE SHERIFF WHOSE NAMES DO NOT APPEAR ON  
12 SAID LIST.

13 SECTION 3 2. SECTION 1216 OF THE ACT, ADDED JANUARY 27, 1998 ←  
14 (P.L.1, NO.1), IS AMENDED TO READ:

15 SECTION 1216. SHERIFF'S EMPLOYES, COUNTIES OF SECOND  
16 CLASS.--(A) APPOINTMENT AND PROMOTION OF DEPUTIES AND OTHER  
17 EMPLOYES IN THE OFFICE OF SHERIFF OF A COUNTY OF THE SECOND  
18 CLASS SHALL BE MADE IN THE MANNER PROVIDED BY THE ACT OF MAY 31,  
19 1974 (P.L.296, NO.94), ENTITLED "AN ACT PROVIDING FOR THE  
20 APPOINTMENT, PROMOTION, REDUCTION IN RANK, SUSPENSION, FURLOUGH,  
21 DISCHARGE AND REINSTATEMENT OF DEPUTY SHERIFFS IN COUNTIES OF  
22 THE SECOND CLASS; EXTENDING CIVIL SERVICE COVERAGE TO SUCH  
23 DEPUTIES; AND PROVIDING PENALTIES," EXCEPT AS OTHERWISE PROVIDED  
24 IN THIS SECTION.

25 (B) WHENEVER A VACANCY IS LIKELY TO OCCUR OR IS TO BE FILLED  
26 IN A PERMANENT POSITION IN THE OFFICE OF SHERIFF, THE SHERIFF  
27 SHALL SUBMIT TO THE [CIVIL SERVICE COMMISSION] DEPARTMENT OF  
28 HUMAN RESOURCES A STATEMENT INDICATING THE POSITION TO BE  
29 FILLED. THE [CIVIL SERVICE COMMISSION] DEPARTMENT OF HUMAN  
30 RESOURCES SHALL THEREUPON CERTIFY TO THE SHERIFF THE NAMES OF

1 THE THREE ELIGIBLES WILLING TO ACCEPT APPOINTMENT WHO ARE  
2 HIGHEST, ACCORDING TO THE RESULTS OF THE WRITTEN EXAMINATION, ON  
3 THE APPROPRIATE PROMOTION LIST OR EMPLOYMENT LIST, WHICHEVER IS  
4 IN EXISTENCE. IF THERE ARE LESS THAN THREE ELIGIBLES ON  
5 APPROPRIATE ELIGIBLE LISTS WHO ARE WILLING TO ACCEPT  
6 APPOINTMENT, THE [CIVIL SERVICE COMMISSION] DEPARTMENT OF HUMAN  
7 RESOURCES SHALL CERTIFY ALL THE NAMES ON THESE LISTS. IF UPON  
8 INQUIRY BY THE [CIVIL SERVICE COMMISSION] DEPARTMENT OF HUMAN  
9 RESOURCES OR APPROPRIATE AUTHORITY ANY PERSON ON ANY PROMOTION  
10 OR EMPLOYMENT LIST IS FOUND TO BE NOT AVAILABLE FOR PROMOTION OR  
11 APPOINTMENT, THE PERSON'S NAME SHALL NOT FOR THE TIME BEING BE  
12 CONSIDERED AMONG THE NAMES FROM WHICH A PROMOTION OR APPOINTMENT  
13 IS TO BE MADE.

14 (C) APPOINTEES SHALL BE SELECTED FOR EACH EXISTING VACANCY  
15 FROM THE ELIGIBLE LIST IN THE ORDER OF NAMES OF THE THREE  
16 PERSONS THEREON WHO HAVE RECEIVED THE HIGHEST AVERAGE ON THE  
17 WRITTEN EXAMINATION. EXAMINATIONS SHALL BE ADMINISTERED FOR  
18 POSITIONS OF THE RANK OF [CAPTAIN] LIEUTENANT AND BELOW, AND  
19 [APPOINTMENTS SHALL BE MADE IN THE ORDER OF NAMES OF] INTERVIEWS  
20 SHALL BE CONDUCTED WITH THE THREE PERSONS WHO HAVE RECEIVED THE  
21 HIGHEST AVERAGE. APPOINTMENTS SHALL BE MADE FROM AMONG THE THREE  
22 PERSONS WHO RECEIVED THE HIGHEST AVERAGE COMBINED SCORE OF THE  
23 EXAMINATION AND INTERVIEW.

24 (D) CIVIL SERVICE EXAMINATIONS TO TEST APPLICANTS SHALL  
25 RELATE TO SUCH MATTERS AND INCLUDE SUCH INQUIRIES AS WILL FAIRLY  
26 TEST THE MERITS AND FITNESS OF THE PERSONS EXAMINED TO DISCHARGE  
27 THE DUTIES OF EMPLOYMENT.

28 (E) PROBATIONARY APPOINTMENTS TO POSITIONS IN THE FORCE MAY,  
29 NOTWITHSTANDING SECTION 6 OF THE ACT OF MAY 31, 1974 (P.L.296,  
30 NO.94), BE TERMINATED, FOR CAUSE, PRIOR TO COMPLETION OF THE

1 NINE-MONTH PROBATIONARY PERIOD.


2 (F) NOTWITHSTANDING THE PROVISIONS OF SECTION 1(C) OF THE  
3 ACT OF MAY 31, 1974 (P.L.296, NO.94), ALL POSITIONS OF THE RANK  
4 OF [CAPTAIN] LIEUTENANT AND BELOW SHALL BE CLASSIFIED AS  
5 COMPETITIVE, THEREBY EXTENDING CIVIL SERVICE COVERAGE TO SUCH  
6 LIEUTENANTS IN THE APPLICABLE BARGAINING UNIT. PERSONS HOLDING  
7 POSITIONS OF [CAPTAIN] LIEUTENANT OR BELOW ON THE EFFECTIVE DATE  
8 OF THIS SECTION SHALL CONTINUE TO OCCUPY THOSE POSITIONS BUT  
9 SHALL FULFILL THE REQUIREMENTS OF ANY FUTURE PROMOTIONS ON AND  
10 AFTER THE EFFECTIVE DATE OF THIS AMENDMENT. NEW OPENINGS FOR A  
11 VACANCY IN THE POSITION OF [CAPTAIN] LIEUTENANT AND BELOW SHALL  
12 BE CLASSIFIED AS COMPETITIVE ON AND AFTER THE EFFECTIVE DATE OF  
13 THIS SECTION.

14 (G) IN NO CASE SHALL AN APPLICANT FOR PROMOTION TO THE  
15 POSITION OF SERGEANT IN THE SHERIFF'S OFFICE BE CONSIDERED UNTIL  
16 THE APPLICANT SHALL HAVE FIRST SERVED THREE YEARS IN THE  
17 SHERIFF'S [DEPARTMENT] OFFICE AS A DEPUTY SHERIFF. NO MEMBER OF  
18 THE SHERIFF'S OFFICE SHALL BE ELIGIBLE TO TAKE ANY PROMOTIONAL  
19 EXAMINATION FOR THE POSITION OF SERGEANT UNTIL AFTER SERVING  
20 THREE (3) YEARS IN THE SHERIFF'S OFFICE AS A DEPUTY SHERIFF. NO  
21 MEMBER OF THE SHERIFF'S OFFICE SHALL BE ELIGIBLE TO TAKE A  
22 PROMOTIONAL EXAMINATION FOR THE POSITION OF LIEUTENANT UNLESS  
23 THE MEMBER HOLDS THE POSITION OF SERGEANT IN THE SHERIFF'S  
24 OFFICE. EACH MEMBER OF THE SHERIFF'S [DEPARTMENT] OFFICE SHALL  
25 HAVE HIS EXAMINATION MARK OR GRADE INCREASED BY AN ADDITIONAL  
26 ONE-HALF POINT FOR EACH YEAR HE SERVED IN THE SHERIFF'S  
27 [DEPARTMENT] OFFICE, BUT SUCH ADDITIONAL POINTS SHALL NOT EXCEED  
28 TEN POINTS. POINTS SHALL BE ADDED TO THE MARK OR GRADE OF ONLY  
29 THOSE MEMBERS PASSING THE EXAMINATION.

30 (H) ALL APPLICANTS FOR EXAMINATION SHALL UNDERGO A PHYSICAL



1 EXAMINATION WHICH SHALL BE CONDUCTED UNDER THE SUPERVISION OF A  
2 DOCTOR OF MEDICINE. NO PERSON SHALL BE ELIGIBLE FOR APPOINTMENT  
3 UNTIL A DOCTOR CERTIFIES TO THE [COMMISSION] DEPARTMENT OF HUMAN  
4 RESOURCES OR APPROPRIATE AUTHORITY THAT THE APPLICANT IS FREE  
5 FROM ANY [BODILY OR MENTAL DEFECTS, DEFORMITY OR DISEASE THAT  
6 MIGHT INCAPACITATE] PHYSICAL OR MENTAL CONDITIONS WHICH WOULD  
7 PRECLUDE HIM OR HER FROM THE DISCHARGE OF THE DUTIES OF THE  
8 POSITION DESIRED IN THE SHERIFF'S [DEPARTMENT] OFFICE.

9 SECTION ~~2~~ 4 3. SECTION 2001(A) AND (D) OF THE ACT, AMENDED   
10 NOVEMBER 30, 2004 (P.L.1439, NO.186), ARE AMENDED TO READ:

11 SECTION 2001. COUNTY COMMISSIONERS TO MAKE CONTRACTS.--THE  
12 COUNTY COMMISSIONERS MAY MAKE CONTRACTS FOR LAWFUL PURPOSES AND  
13 FOR THE PURPOSES OF CARRYING INTO EXECUTION THE PROVISIONS OF  
14 THIS SECTION AND THE LAWS OF THE COMMONWEALTH.

15 (A) EXCEPT AS PROVIDED IN SUBSECTION (A.1), ALL CONTRACTS OR  
16 PURCHASES IN EXCESS OF [TEN THOUSAND DOLLARS (\$10,000)] THE BASE  
17 AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500),  
18 SUBJECT TO ADJUSTMENT UNDER SECTION 112, SHALL BE IN WRITING  
19 AND, EXCEPT THOSE HEREINAFTER MENTIONED AND EXCEPT AS PROVIDED  
20 BY THE ACT OF OCTOBER 27, 1979 (P.L.241, NO.78), ENTITLED "AN  
21 ACT AUTHORIZING POLITICAL SUBDIVISIONS, MUNICIPALITY AUTHORITIES  
22 AND TRANSPORTATION AUTHORITIES TO ENTER INTO CONTRACTS FOR THE  
23 PURCHASE OF GOODS AND THE SALE OF REAL AND PERSONAL PROPERTY  
24 WHERE NO BIDS ARE RECEIVED," SHALL NOT BE MADE EXCEPT WITH AND  
25 FROM THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER MEETING  
26 SPECIFICATIONS, AFTER DUE NOTICE IN AT LEAST ONE NEWSPAPER OF  
27 GENERAL CIRCULATION, PUBLISHED OR CIRCULATING IN THE COUNTY AT  
28 LEAST TWO (2) TIMES, AT INTERVALS OF NOT LESS THAN THREE (3)  
29 DAYS WHERE DAILY NEWSPAPERS OF GENERAL CIRCULATION ARE EMPLOYED  
30 FOR SUCH PUBLICATION, OR IN CASE WEEKLY NEWSPAPERS ARE EMPLOYED,

1 THEN THE NOTICE SHALL BE PUBLISHED ONCE A WEEK FOR TWO (2)  
2 SUCCESSIVE WEEKS. THE FIRST ADVERTISEMENT SHALL BE PUBLISHED NOT  
3 LESS THAN TEN (10) DAYS PRIOR TO THE DATE FIXED FOR THE OPENING  
4 OF BIDS.

5 \* \* \*

6 (D) THE CONTRACTS OR PURCHASES MADE BY THE COMMISSIONERS  
7 INVOLVING AN EXPENDITURE OF OVER [TEN THOUSAND DOLLARS  
8 (\$10,000)] THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED  
9 DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 112,  
10 WHICH SHALL NOT REQUIRE ADVERTISING OR BIDDING AS HEREINBEFORE  
11 PROVIDED ARE AS FOLLOWS:

12 (1) THOSE FOR MAINTENANCE, REPAIRS OR REPLACEMENTS FOR  
13 WATER, ELECTRIC LIGHT, OR OTHER PUBLIC WORKS: PROVIDED, THAT  
14 THEY DO NOT CONSTITUTE NEW ADDITIONS, EXTENSIONS OR ENLARGEMENTS  
15 OF EXISTING FACILITIES AND EQUIPMENT. SECURITY MAY BE REQUIRED  
16 BY THE COUNTY COMMISSIONERS AS IN OTHER CASES OF WORK DONE.

17 (2) THOSE MADE FOR IMPROVEMENTS, REPAIRS AND MAINTENANCE OF  
18 ANY KIND MADE OR PROVIDED BY THE COUNTY THROUGH ITS OWN  
19 EMPLOYEES. THIS PARAGRAPH SHALL NOT APPLY TO CONSTRUCTION  
20 MATERIALS USED IN A STREET IMPROVEMENT.

21 (3) THOSE WHERE PARTICULAR TYPES, MODELS OR PIECES OF NEW  
22 EQUIPMENT, ARTICLES, APPARATUS, APPLIANCES, VEHICLES OR PARTS  
23 THEREOF ARE DESIRED BY THE COUNTY COMMISSIONERS, WHICH ARE  
24 PATENTED AND MANUFACTURED PRODUCTS OR COPYRIGHTED PRODUCTS.

25 (4) THOSE INVOLVING ANY POLICIES OF INSURANCE OR SURETY  
26 COMPANY BONDS, THOSE MADE FOR PUBLIC UTILITY SERVICE AND  
27 ELECTRICITY, NATURAL GAS OR TELECOMMUNICATION SERVICES:  
28 PROVIDED, THAT, IN THE CASE OF UTILITIES NOT UNDER TARIFFS ON  
29 FILE WITH THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, CONTRACTS  
30 MADE WITHOUT ADVERTISING AND BIDDING SHALL BE MADE ONLY AFTER

1 RECEIVING WRITTEN OR TELEPHONIC PRICE QUOTATIONS FROM AT LEAST  
2 THREE (3) QUALIFIED AND RESPONSIBLE CONTRACTORS, OR IN LIEU OF  
3 PRICE QUOTATIONS A MEMORANDUM SHALL BE KEPT ON FILE SHOWING THAT  
4 FEWER THAN THREE (3) QUALIFIED CONTRACTORS EXIST IN THE MARKET  
5 AREA WITHIN WHICH IT IS PRACTICABLE TO OBTAIN QUOTATIONS. A  
6 WRITTEN RECORD OF TELEPHONIC PRICE QUOTATIONS SHALL BE MADE AND  
7 CONTAIN AT LEAST THE DATE OF THE QUOTATION, THE NAME OF THE  
8 CONTRACTOR AND THE CONTRACTOR'S REPRESENTATIVE.

9 (5) THOSE INVOLVING PERSONAL OR PROFESSIONAL SERVICES,  
10 INCLUDING, BUT NOT LIMITED TO, SERVICES OF MEMBERS OF THE  
11 MEDICAL OR LEGAL PROFESSION, REGISTERED ARCHITECTS, ENGINEERS,  
12 CERTIFIED PUBLIC ACCOUNTANTS OR OTHER PERSONAL SERVICES  
13 INVOLVING PROFESSIONAL EXPERTISE.

14 (6) THOSE INVOLVING TANGIBLE CLIENT SERVICES PROVIDED BY  
15 NONPROFIT AGENCIES. FOR THE PURPOSES OF THIS CLAUSE, THE TERM  
16 "TANGIBLE CLIENT SERVICES" SHALL MEAN CONGREGATE MEALS, HOME-  
17 DELIVERED MEALS, TRANSPORTATION AND CHORE SERVICES PROVIDED  
18 THROUGH AREA AGENCIES ON AGING.

19 (6.1) THOSE INVOLVING CONTRACTS ENTERED INTO BY NONPROFIT  
20 COOPERATIVE HOSPITAL SERVICE ASSOCIATIONS FOR HOSPITALS AND  
21 NURSING HOMES WHICH ARE PART OF THE INSTITUTIONAL DISTRICT OR  
22 WHICH ARE OWNED BY THE COUNTY, OPERATED BY THE COUNTY OR  
23 AFFILIATED WITH THE COUNTY BY THE PURCHASING OF OR PARTICIPATING  
24 IN CONTRACTS FOR MATERIALS, SUPPLIES AND EQUIPMENT.

25 (7) THOSE INVOLVING THE PURCHASE OF MILK.

26 (8) THOSE MADE WITH ANY PUBLIC BODY, INCLUDING, BUT NOT  
27 LIMITED TO, THE SALE, LEASE OR LOAN OF ANY SUPPLIES OR MATERIALS  
28 TO THE COUNTY BY A PUBLIC BODY, PROVIDED THAT THE PRICE THEREOF  
29 SHALL NOT BE IN EXCESS OF THAT FIXED BY THE PUBLIC BODY. THE  
30 REQUIREMENTS OF 53 PA.C.S. CH. 23 SUBCH. A (RELATING TO

INTERGOVERNMENTAL COOPERATION) SHALL NOT APPLY WHEN A COUNTY PURCHASES COOPERATIVELY WITH ANOTHER PUBLIC BODY WHICH HAS ENTERED INTO A CONTRACT FOR SUPPLIES OR MATERIALS. AS USED IN THIS PARAGRAPH, "PUBLIC BODY" SHALL MEAN ANY OF THE FOLLOWING:

(I) THE FEDERAL GOVERNMENT;

(II) THE COMMONWEALTH OF PENNSYLVANIA;

(III) ANY OTHER STATE;

(IV) A POLITICAL SUBDIVISION, LOCAL OR MUNICIPAL AUTHORITY OR OTHER SIMILAR LOCAL ENTITY OF THE COMMONWEALTH OR ANY OTHER STATE; OR

(V) AN AGENCY OF THE FEDERAL GOVERNMENT, THE COMMONWEALTH OR ANY OTHER STATE.

(9) THOSE EXCLUSIVELY INVOLVING CONSTRUCTION MANAGEMENT SERVICES.

(10) THOSE INVOLVING COMPUTER SOFTWARE.

\* \* \*

SECTION ~~3~~ 4. SECTION 2517(A) OF THE ACT, AMENDED DECEMBER 9, 2002 (P.L.1383, NO.170), IS AMENDED TO READ:

SECTION 2517. SEPARATE SPECIFICATIONS AND CONTRACTS FOR CERTAIN ITEMS.--(A) IN THE PREPARATION OF SPECIFICATIONS FOR THE ERECTION, CONSTRUCTION AND ALTERATION OF ANY PUBLIC BUILDING, WHEN THE ENTIRE COST OF SUCH WORK SHALL EXCEED [TEN THOUSAND DOLLARS (\$10,000)] THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 112, THE ARCHITECT, ENGINEER OR OTHER PERSON PREPARING SUCH SPECIFICATIONS SHALL PREPARE SEPARATE SPECIFICATIONS FOR THE PLUMBING, HEATING, VENTILATING AND ELECTRICAL WORK. THE BOARD OF COMMISSIONERS SHALL RECEIVE SEPARATE BIDS UPON EACH OF THE SAID BRANCHES OF WORK AND AWARD THE CONTRACT FOR THE SAME TO THE LOWEST RESPONSIBLE BIDDER FOR EACH OF SAID BRANCHES.

1       \* \* \*

2       SECTION ~~4~~ 5. SECTION 2511-A(A), (B), (B.1) AND (H) OF THE       ←  
3 ACT, ADDED OCTOBER 30, 2000 (P.L.616, NO.85), ARE AMENDED TO  
4 READ:

5       SECTION 2511-A. COMPETITION IN AWARD OF CONTRACTS.--(A) ALL  
6 CONSTRUCTION, RECONSTRUCTION, REPAIRS OR WORK OF ANY NATURE MADE  
7 BY ANY AUTHORITY, WHERE THE ENTIRE COST, VALUE OR AMOUNT OF SUCH  
8 CONSTRUCTION, RECONSTRUCTION, REPAIRS OR WORK, INCLUDING LABOR  
9 AND MATERIALS, SHALL EXCEED [TEN THOUSAND DOLLARS (\$10,000)] THE  
10 BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500),  
11 SUBJECT TO ADJUSTMENT UNDER SECTION 112, EXCEPT CONSTRUCTION,  
12 RECONSTRUCTION, REPAIRS OR WORK DONE BY EMPLOYES OF SAID  
13 AUTHORITY OR BY LABOR SUPPLIED UNDER AGREEMENT WITH ANY FEDERAL  
14 OR STATE AGENCY WITH SUPPLIES AND MATERIALS PURCHASED, AS  
15 HEREINAFTER PROVIDED, SHALL BE DONE ONLY UNDER CONTRACT OR  
16 CONTRACTS TO BE ENTERED INTO BY THE AUTHORITY WITH THE LOWEST  
17 RESPONSIBLE BIDDER UPON PROPER TERMS, AFTER DUE PUBLIC NOTICE  
18 HAS BEEN GIVEN ASKING FOR COMPETITIVE BIDS HEREINAFTER PROVIDED.  
19 NO CONTRACT SHALL BE ENTERED INTO FOR CONSTRUCTION OR  
20 IMPROVEMENT OR REPAIR OF ANY PROJECT OR PORTION THEREOF UNLESS  
21 THE CONTRACTOR SHALL GIVE AN UNDERTAKING, WITH A SUFFICIENT  
22 SURETY OR SURETIES APPROVED BY THE AUTHORITY AND IN AN AMOUNT  
23 FIXED BY THE AUTHORITY, FOR THE FAITHFUL PERFORMANCE OF THE  
24 CONTRACT. ALL SUCH CONTRACTS SHALL PROVIDE, AMONG OTHER THINGS,  
25 THAT THE PERSON OR CORPORATION ENTERING INTO SUCH CONTRACT WITH  
26 THE AUTHORITY WILL PAY FOR ALL MATERIALS FURNISHED AND SERVICES  
27 RENDERED FOR THE PERFORMANCE OF THE CONTRACT AND THAT ANY PERSON  
28 OR CORPORATION FURNISHING SUCH MATERIALS OR RENDERING SUCH  
29 SERVICES MAY MAINTAIN AN ACTION TO RECOVER FOR THE SAME AGAINST  
30 THE OBLIGOR IN THE UNDERTAKING AS THOUGH SUCH PERSON OR

1 CORPORATION WAS NAMED THEREIN, PROVIDED THE ACTION IS BROUGHT  
2 WITHIN ONE (1) YEAR AFTER THE TIME THE CAUSE OF ACTION ACCRUED.  
3 NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE POWER OF  
4 THE AUTHORITY TO CONSTRUCT, REPAIR OR IMPROVE ANY PROJECT OR  
5 PORTION THEREOF OR ANY ADDITION, BETTERMENT OR EXTENSION THERETO  
6 DIRECTLY BY THE OFFICERS, AGENTS AND EMPLOYES OF THE AUTHORITY  
7 OR OTHERWISE THAN BY CONTRACT.

8 (B) ALL SUPPLIES AND MATERIALS COSTING [TEN THOUSAND DOLLARS  
9 (\$10,000)] THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED  
10 DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 112, OR  
11 MORE SHALL BE PURCHASED ONLY AFTER DUE ADVERTISEMENT AS  
12 HEREINAFTER PROVIDED. THE AUTHORITY SHALL ACCEPT THE LOWEST BID  
13 OR BIDS, KINDS, QUALITY AND MATERIAL BEING EQUAL, BUT THE  
14 AUTHORITY SHALL HAVE THE RIGHT TO REJECT ANY OR ALL BIDS OR  
15 SELECT A SINGLE ITEM FROM ANY BID. THE PROVISIONS AS TO BIDDING  
16 SHALL NOT APPLY TO THE PURCHASE OF PATENTED AND MANUFACTURED  
17 PRODUCTS OFFERED FOR SALE IN A NON-COMPETITIVE MARKET OR SOLELY  
18 BY A MANUFACTURER'S AUTHORIZED DEALER.

19 (B.1) WRITTEN OR TELEPHONIC PRICE QUOTATIONS FROM AT LEAST  
20 THREE (3) QUALIFIED AND RESPONSIBLE CONTRACTORS SHALL BE  
21 REQUESTED FOR ALL CONTRACTS THAT EXCEED [FOUR THOUSAND DOLLARS  
22 (\$4,000)] THE BASE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000),  
23 SUBJECT TO ADJUSTMENT UNDER SECTION 112, BUT ARE LESS THAN THE  
24 AMOUNT REQUIRING ADVERTISEMENT AND COMPETITIVE BIDDING, OR, IN  
25 LIEU OF PRICE QUOTATIONS, A MEMORANDUM SHALL BE KEPT ON FILE  
26 SHOWING THAT FEWER THAN THREE (3) QUALIFIED CONTRACTORS EXIST IN  
27 THE MARKET AREA WITHIN WHICH IT IS PRACTICABLE TO OBTAIN  
28 QUOTATIONS. A WRITTEN RECORD OF TELEPHONIC PRICE QUOTATIONS  
29 SHALL BE MADE AND SHALL CONTAIN AT LEAST THE DATE OF THE  
30 QUOTATION, THE NAME OF THE CONTRACTOR AND THE CONTRACTOR'S

1 REPRESENTATIVE, THE CONSTRUCTION, RECONSTRUCTION, REPAIR,  
2 MAINTENANCE OR WORK WHICH WAS THE SUBJECT OF THE QUOTATION AND  
3 THE PRICE. WRITTEN PRICE QUOTATIONS, WRITTEN RECORDS OF  
4 TELEPHONIC PRICE QUOTATIONS AND MEMORANDA SHALL BE RETAINED FOR  
5 A PERIOD OF THREE (3) YEARS.

6 \* \* \*

7 (H) AN AUTHORITY SHALL NOT EVADE THE PROVISIONS OF THIS  
8 SECTION AS TO ADVERTISING FOR BIDS OR PURCHASING MATERIALS OR  
9 CONTRACTING FOR SERVICES PIECEMEAL FOR THE PURPOSE OF OBTAINING  
10 PRICES UNDER [TEN THOUSAND DOLLARS (\$10,000)] THE BASE AMOUNT OF  
11 EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO  
12 ADJUSTMENT UNDER SECTION 112, UPON TRANSACTIONS WHICH SHOULD, IN  
13 THE EXERCISE OF REASONABLE DISCRETION AND PRUDENCE, BE CONDUCTED  
14 AS ONE TRANSACTION AMOUNTING TO MORE THAN [TEN THOUSAND DOLLARS  
15 (\$10,000)] THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED  
16 DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 112. THIS  
17 PROVISION IS INTENDED TO MAKE UNLAWFUL THE PRACTICE OF EVADING  
18 ADVERTISING REQUIREMENTS BY MAKING A SERIES OF PURCHASES OR  
19 CONTRACTS EACH FOR LESS THAN THE ADVERTISING REQUIREMENT PRICE  
20 OR BY MAKING SEVERAL SIMULTANEOUS PURCHASES OR CONTRACTS EACH  
21 BELOW SAID PRICE WHEN IN EITHER CASE THE TRANSACTION INVOLVED  
22 SHOULD HAVE BEEN MADE AS ONE TRANSACTION FOR ONE PRICE.

23 \* \* \*

24 SECTION ~~5~~ 7 6. THIS ACT SHALL APPLY TO CONTRACTS AND  
25 PURCHASES ADVERTISED ON OR AFTER JANUARY 1 OF THE YEAR FOLLOWING  
26 THE EFFECTIVE DATE OF THIS SECTION.

27 ~~SECTION 6. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.~~

28 SECTION ~~8~~ 7. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

29 (1) THE AMENDMENT ~~OF SECTIONS 1203, 1205, 1209~~ OR  
30 ADDITION OF SECTIONS 1203.1, 1205.1, 1209.1 AND 1216 OF THE

1       ACT SHALL TAKE EFFECT IN 60 DAYS.

2           (2)   THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
3       IMMEDIATELY.