

II. Contracts for personal or professional services;

III. Contracts with political subdivisions, the Commonwealth of Pennsylvania or the United States Government or with any agencies or authorities of such governmental bodies; or

IV. Purchases of personal property where, by reason of patents or copyrights, the required type of item is available from only one seller.

For competitive bidding on contracts involving an amount exceeding [three hundred] one thousand five hundred dollars, invitations

for bids shall be issued pursuant to reasonable notice, which shall be by advertisement [in the case of contracts involving an amount exceeding one thousand dollars,] and all bids shall be filed with the city controller and opened publicly at a time and place to be designated in the notice, and the figures shall be announced to persons present. For competitive bidding on contracts involving an amount [of three hundred dollars or less] of one thousand five hundred dollars,

or less, the Director of the Department of Supplies may obtain oral bids or letter bids or may proceed by a comparison of specific prices as set forth in the sellers' literature.

Section 2. This act shall take effect immediately.

APPROVED—The 25th day of August, A. D. 1967.

RAYMOND P. SHAFER

No. 114

AN ACT

SB 201

Amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," further regulating contracts, advertising, bids and specifications for contracts and bonds for the protection of labor and materialmen.

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

Section 1. Section 1801 and subsections (a) and (b) of section 1802, act of August 9, 1955 (P. L. 323), known as "The County Code," amended April 11, 1959 (P. L. 17), are amended to read:

Section 1801. Commissioners Sole Contractors for County.—The county commissioners shall contract for and purchase all services referred to in section five hundred eight and personal property for county officers and agencies. All contracts and purchases not in excess of [one thousand dollars (\$1000)] one thousand five hundred dollars

(\$1500) shall be by note or memorandum, in writing, signed by the county commissioners, or their agent. A copy of all such notes and memorandums and all written contracts shall be filed in the office of the controller, if any, and, if not, then with the chief clerk of the commissioners. The commissioners shall, where possible, anticipate the needs of the various officers and agencies of the county and endeavor to purchase in wholesale quantities, where practicable and where savings could be achieved thereby. The commissioners may make contracts and purchases for all purposes expressly or impliedly authorized by law.

Section 1802. Contract Procedures; Terms and Bonds; Advertising for Bids.—(a) All contracts for services and personal property where the amount thereof exceeds the sum of [one thousand dollars (\$1000)] one thousand five hundred dollars (\$1500), shall be written and shall, except as otherwise hereinafter specified, be made by advertising for bids.

(b) Contracts or purchases in excess of [one thousand dollars (\$1000)] one thousand five hundred dollars (\$1500), except those hereinafter mentioned, shall not be made except with and from the lowest responsible bidder, after due notice in one newspaper of general circulation, published or circulating in the county, at least three times at intervals of not less than three 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 successive weeks. The first advertisement shall be published not less than ten days prior to the date fixed for the opening of bids. The requirements of this subsection need not be followed in cases of emergency, but in such cases the actual emergency shall be declared and stated by resolution of the commissioners.

* * *

Section 2. The first paragraph of subsection (h) of section 1802 of the act, amended April 11, 1959 (P. L. 17), and June 30, 1959 (P. L. 499), is amended to read:

Section 1802. Contract Procedures; Terms and Bonds; Advertising for Bids.—* * *

(h) The contracts or purchases made by the commissioners involving an expenditure of over [one thousand dollars (\$1000)] one thousand five hundred dollars (\$1500) which shall not require advertising or bidding, as hereinbefore provided, are as follows:

* * *

Section 3. Section 1803 of the act, amended April 11, 1959 (P. L. 17), is amended to read:

Section 1803. Evasion of Advertising Requirements.—No commissioner or commissioners shall evade the provisions of section one

thousand eight hundred two of this act, as to advertising for bids by purchasing or contracting for services and personal properties piece-meal, for the purpose of obtaining prices under [one thousand dollars (\$1000)] one thousand five hundred dollars (\$1500) upon transactions which should in the exercise of reasonable discretion and prudence be conducted as one transaction amounting to more than [one thousand dollars (\$1000)] one thousand five hundred dollars (\$1500). 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. Any county commissioners who so vote in violation of this provision and who know that the transaction upon which they so vote is or ought to be a part of a larger transaction and that it is being divided in order to evade the requirements as to advertising for bids shall be, jointly and severally, subject to surcharge for any loss sustained. Wherever it shall appear that a commissioner may have voted in violation of this section, but the purchase or contract on which he so voted was not approved by the board of county commissioners, this section shall be inapplicable.

Section 4. Section 1804 of the act is repealed.

Section 5. Section 2317, subsection (a) of section 2318 and section 2670 of the act are amended to read:

Section 2317. Separate Bids for Plumbing, Heating, Ventilating, Electrical Work, Elevators and Moving Stairs.—In the preparation of specifications for the erection, construction and alteration of any public building, when the entire cost of such work shall exceed [one thousand dollars (\$1000)] one thousand five hundred dollars (\$1500), the architect, engineer or other person preparing such speci-

fications shall prepare only the following separate specifications: (1) plumbing, (2) heating, (3) ventilating, (4) electrical work, (5) elevators and moving stairs, and (6) one complete set of specifications for all the other work to be done in such erection, construction and alteration. 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, including the balance of the work in addition to the plumbing, heating, ventilating and electrical work, and elevators and moving stairs. Where it is desired to install an air conditioning unit, the heating and ventilating so involved may be regarded as one branch of work having only one set of specifications, and bids may be received and a contract awarded thereon, as hereinbefore provided.

Section 2318. Additional Bond to Protect Labor and Materialmen on Contracts.—(a) It shall be the duty of every county to require any

person, copartnership, association or corporation entering into contract with such county for the construction, erection, installation, completion, alteration, repair of or addition to any public work or improvement of any kind, whatsoever, where the amount of such contract is in excess of [five hundred dollars (\$500)] one thousand five hundred dollars (\$1500), before commencing work under such contract, to execute and deliver to such county, in addition to any other bond which may, now or hereafter, be required by law to be given in connection with such contract, an additional bond for the use of any and every person, copartnership, association or corporation interested, in a sum not less than fifty per centum and not more than one hundred per centum of the contract price, as such county may prescribe. Such bond shall have as surety thereon one or more surety companies legally authorized to do business in this Commonwealth, and shall be conditioned for the prompt payment for all material furnished and labor supplied or performed in the prosecution of the work, whether or not the said material or labor enter into and become component parts of the work or improvement contemplated.

* * *

Section 2670. Building or Repair of Bridges.—In addition to the provisions of Articles XVIII and XXIII of this act relating to contracting for services and personal property, whenever the county commissioners propose to build or repair a bridge at a cost in excess of [seven hundred fifty dollars (\$750)] one thousand five hundred dollars (\$1500), their advertisements for bids shall contain the description of the repairs, or designs of the kind of bridge, required. When the contract is for the building of a bridge, the designs and specifications therefor, or a copy thereof, shall be kept in the office of the county commissioners, open to the inspection of all intending bidders during such advertising and the time specified therein for the reception of bids. In the case of a bridge to be erected over a stream upon the line between two adjoining counties, the advertising shall be done in each of said counties, and a copy of the plans and specifications shall be kept in the commissioners' office of each county. The time of filing bids and the person's name with whom filed must be marked on the outside of said bids.

Section 6. This act shall take effect immediately.

APPROVED—The 25th day of August, A. D. 1967.

RAYMOND P. SHAFER