

shall present a petition, accompanied with the written consent of a majority in number and interest of property owners of the borough, asking for such annexation.

(b) In the case of a township, or part thereof, whenever three-fifths of the taxable inhabitants of such township or part thereof shall present a petition to the council of said city, accompanied with the written consent of a majority in number and interest of property owners of such township or part of a township, asking for such annexation.

(c) In case of part of a township, when there are no taxable inhabitants residing therein, then whenever three-fifths of the property owners in number and interest of property situated therein shall present a petition to the council of said city asking for such annexation.

In construing this section, a majority in interest of owners of undivided interests in any piece of property shall be deemed and treated as one person for the purpose of ascertaining the number of petitioners.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 1st day of April, A. D. 1959.

DAVID L. LAWRENCE

No. 13

### AN ACT

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," increasing the amount commissioners may spend in contracts without advertising.

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

The County Code.

Section 1. Section 1801, subsections (a), (b) and the first paragraph of subsection (h) of section 1802 and sections 1803 and 1804, act of August 9, 1955 (P. L. 323), known as "The County Code," are amended to read:

Section 1801, subsections (a), (b) and first paragraph of subsection (h), section 1802, and sections 1803 and 1804, act of August 9, 1955, P. L. 323, amended.

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 [seven hundred fifty dollars(\$750)] *one thousand dol-*

*lars (\$1000)* 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 [seven hundred fifty dollars (\$750)] *one thousand dollars (\$1000)*, shall be written and shall, except as otherwise hereinafter specified, be made by advertising for bids.

(b) Contracts or purchases in excess of [seven hundred fifty dollars (\$750)] *one thousand dollars (\$1000)*, 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.

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(h) The contracts or purchases made by the commissioners involving an expenditure of over [seven hundred fifty dollars (\$750)] *one thousand dollars (\$1000)* which shall not require advertising or bidding, as hereinbefore provided, are as follows:

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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 piecemeal, for the purpose of obtaining prices under [seven hundred fifty dollars (\$750)] *one thousand dollars (\$1000)* upon transactions which should in the exercise of reasonable discretion and prudence be conducted as one transaction

amounting to more than [seven hundred fifty dollars (\$750)] *one thousand dollars (\$1000)*. 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 1804. Contracts for One Hundred Dollars (\$100) to [Seven Hundred Fifty Dollars (\$750)] *One Thousand Dollars (\$1000)*; Written Bids; Destruction of Files.—(a) In all cases of contracts and purchases, other than the kinds mentioned in subsection (h) of section one thousand eight hundred two of this act, from one hundred dollars (\$100) to [seven hundred fifty dollars (\$750)] *one thousand dollars (\$1000)* inclusive at least two written bids shall be solicited therefor. The specifications upon which such bids are solicited shall be uniform insofar as possible to afford equal opportunity for bidding. Catalogues and circulars of firm prices shall be acceptable as bids upon the contracts or purchases herein regulated. All such bids shall be filed with the controller or the chief clerk where there is no controller.

(b) The controller shall refuse to approve vouchers for claims made upon transactions entered into in violation of this section, unless it shall be manifest to him that such bids could not in the circumstances be obtained or that no lower price would have been obtained by compliance with this section.

(c) The file copies of notes and memorandums in writing concerning contracts or purchases not over [seven hundred fifty dollars (\$750)] *one thousand dollars (\$1000)*, including the bids thereon, may be destroyed by the controller, or the chief clerk as the case may be, with the approval of the commissioners by resolution, after the said notes and memorandums are six years old and the contracts have been fully performed.

APPROVED—The 11th day of April, A. D. 1959.

DAVID L. LAWRENCE