

[16 Pa. Cons. Stat. § 1803.]

§ 1803. Evasion of advertising requirements: The County Code

(a) No commissioner or commissioners shall evade the provisions of section one thousand eight hundred two of this act, as to advertising for bids or purchasing or contracting for services and personal properties piecemeal, for the purpose of obtaining prices under the base amount of eighteen thousand five hundred dollars (\$18,500), subject to adjustment under section 1801(b.1), upon transactions which should in the exercise of reasonable discretion and prudence be conducted as one transaction amounting to more than the base amount of eighteen thousand five hundred dollars (\$18,500), subject to adjustment under section 1801(b.1). 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] commissioner who so [vote] votes 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.

(b) Any [county] commissioner who votes to unlawfully evade the provisions of section [one thousand eight hundred two] 1802 of this act and who knows that the transaction upon which he so votes 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 commits a misdemeanor of the third degree for each contract entered into as a direct result of that vote. This penalty shall be in addition to any surcharge which may be assessed pursuant to subsection (a).