

**COUNTY OF LEHIGH, PENNSYLVANIA  
COMMISSIONERS BILL NO. 2015 – 24  
SPONSORED BY COMMISSIONER JONES  
REQUESTED DATE: JULY 1, 2015  
ORDINANCE 2015 - NO.**

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**AMENDING §801.1 OF THE ADMINISTRATIVE CODE TO MODIFY THE  
TIME REQUIRED FOR ADVANCE NOTICE FOR CERTAIN PROFESSIONAL  
SERVICE AGREEMENTS**

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**WHEREAS**, §310(a)-1 of the Lehigh County Home Rule Charter permits the Board of Commissioners (Board) through legislative action by ordinance to amend the Administrative Code; and

**WHEREAS**, §302(e) permits the Board of Commissioners to adopt procedures, by ordinance, which provide for the making of contracts; and

**WHEREAS**, the Board of Commissioners believes that the advance notice provisions of the Administrative Code should be modified to reflect changing conditions.

**NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED BY  
THE BOARD OF COMMISSIONERS OF THE COUNTY OF LEHIGH,  
PENNSYLVANIA, THAT:**

1. The foregoing Whereas clauses are incorporated as if set forth in their entirety.
2. Section 801.1 shall be amended as follows (additions are in bold and underlined, deletions are strikethrough):

Section 801.1 – PROCEDURE FOR PROFESSIONAL SERVICE AGREEMENTS

...

(D) The following contracts shall not be entered into without giving five (5) days advance written notification to the Board of Commissioners and receiving approval of the Board by resolution.

(1) The contract has not been bid in accordance with Section 803 of the Administrative Code and the value of the proposed contract is between \$10,000.00 and \$100,000.00 ~~or more~~.

(2) The contract has not been bid in accordance with Section 803 of the Administrative Code and the proposed contractual expenditure by the County with a single vendor or contractor exceeds \$10,000.00 but not \$100,000.00 during a County fiscal year. It is the intent of this subsection that the notice and approval requirements shall not be circumvented by the execution of multiple contracts during one fiscal year.

(3) The contract involves the retention of professionals pursuant to the authority of the Board under Section 302 of the Home Rule Charter to incur indebtedness, levy taxes, assessments, and service charges; adopt and amend an Administrative Code; adopt a Personnel Code; establish salaries and wage levels; and acquire property.

(E) The following contracts shall not be entered into without giving sixty (60) days advance written notification to the Board of Commissioners and receiving approval of the Board by resolution.

(1) The contract has not been bid in accordance with Section 803 of the Administrative Code and the value of the proposed contract exceeds \$100,000.00.

(2) The contract has not been bid in accordance with Section 803 of the Administrative Code and the proposed contractual expenditure by the County with a single vendor or contractor exceeds \$100,000.00 during a County fiscal year. It is the intent of this subsection that notice and approval requirements shall not be circumvented by the execution of multiple contracts during one fiscal year.

(3) The sixty day (60) advance written notice requirements may be waived by motion of the Board.

(4) This sub-section (E) shall not apply to:

a. Board approval of contract renewals.

b. Contracts which are specifically funded by pass-through monies received from federal, state or non-governmental

**agencies, in which the vendor/provider has already been identified as part of the funding process.**

(F-E) No work shall be authorized to begin nor payment made under a contract prior to the completion of the advance written notice process, and where required, the approval process, unless exigent reasons or an emergency situation require the immediate execution of a proposed contract, but the term of such contract shall not exceed thirty (30) days. Such reasons shall be documented and filed with the Board and the Controller 24 hours prior to the execution of the proposed contract.

(GF) Every contract shall specifically state that a copy of the final report or study delivered pursuant to the contract shall be provided directly by the vendor to the Board of Commissioners; and the vendor shall agree to publicly present the final report or study should a committee of the Board so desire.

(HG) Exempt from the aforementioned requirements are:

(1) Contracts that involve the investigation of a crime and the apprehension or prosecution of persons suspected of, or charged with, the commission of a crime if the District Attorney determines that the information might prove to be prejudicial or detrimental to such action.

(2) Contracts involving services in defense of persons suspected of, or charged with, the commission of a crime if the Public Defender determines that the information might prove prejudicial or detrimental to such action.

(3) Any proposed contracts, regardless of the amount, involving the following functions of the Department of Human Services: coordination of programs and services for the aging, prevention and treatment of drug and alcohol abuse, Mental Health/Intellectual Disabilities/Health Choices programs and services, Children and Youth Services and Adult and Residential Services.

(4) Any proposed contracts, regardless of amount, involving the following functions of the Judiciary: coordination of programs and services for delinquent children, including individual counseling and evaluations.

(5) Contracts involving services in support of litigation or administrative or related proceedings filed for or against the County, if the County Solicitor determines that such information might prove to be prejudicial or detrimental to such action.

(IH) All contracts for management services which will provide direct supervision to county employees must follow the competitive proposal process set forth in §804(C), unless waived by Resolution of the Board of Commissioners.

3. The County Executive shall distribute copies of this Ordinance to the proper officers and other personnel of Lehigh County whose further action is required to achieve the purpose of this Ordinance.

4. The proper officers and other personnel of Lehigh County are hereby authorized and empowered to take all such further action and execute additional documents as they may deem appropriate to carry out the purpose of this ordinance.

5. Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.

6. This Ordinance shall become effective ten (10) days after enactment.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015, by the

following vote:

**Commissioners**

**AYE**

**NAY**

Geoff Brace  
Thomas C. Creighton, III  
Percy H. Dougherty  
Amanda Holt  
David S. Jones, Sr.  
Vic Mazziotti  
Brad Osborne  
Lisa Scheller  
Michael Schware

ATTEST: \_\_\_\_\_

CLERK TO THE BOARD OF COMMISSIONERS

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
THOMAS S. MULLER  
LEHIGH COUNTY EXECUTIVE

ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2015.