

**COUNTY OF LEHIGH, PENNSYLVANIA
COMMISSIONERS BILL NO. 2015 – 29
SPONSORED BY COMMISSIONER HOLT
REQUESTED DATE: AUGUST 18, 2015
ORDINANCE 2015 - NO.**

**AMENDING §801.1 OF THE ADMINISTRATIVE CODE TO MODIFY THE
CONTRACT PROCESS FOR PROFESSIONAL SERVICE AGREEMENTS**

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 requirements for advance notice for professional service agreements, as set forth in section 801.1 of the Administrative Code, should be amended to require more information for each contract.

**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

...

(B) Advance written notice to the Board of Commissioners is required for all professional service agreements categorized in §801(B)(13). Such advance written notice shall specify: the procedure used to choose the individual or entity providing the services, including a copy of the Request for Proposals, if applicable; the name of said individual or entity; the nature of the project and the scope of the work; the projected total monetary amount of the contract; the hourly or other unit costs charged under the contract; a statement of the need for such services, and a disclosure of prior relationships between the vendor and the County or County Personnel. Notice of solicitations for Requests for Proposals shall be provided to the Board upon publication or other notice soliciting proposals, whichever occurs first.

1. For all professional service agreements, regardless of value, such advance written notice shall include:

- (a) **the name of the individual or entity providing the services;**
- (b) **the nature of the project and the scope of the work;**
- (c) **the procedure used to choose the individual or entity providing the services, including a copy of the Request for Proposals, if applicable;**
- (d) **the projected total monetary amount of the contract;**
- (e) **the hourly or other unit costs charged under the contract, if applicable;**
- (f) **a statement of the need for such service and the impact on current services or projects;**
- (g) **the budget line item(s) to be used to fund the contract;**
- (h) **the original and current balances in the line items provided in subparagraph (g) above; and**
- (i) **a disclosure of prior relationships between the vendor and the County or County Personnel.**

2. For professional service agreements valued in excess of \$10,000.00, a copy of the proposed agreement shall also be provided as part of the advance written notice.

(C) Agreements for professional services which are valued at ~~less than \$10,000.00~~ **\$10,000.00 or less** shall not be entered into without giving either fourteen (14) days advance written ~~notification~~ **notice** to the Board of Commissioners or, ~~five (5)~~ **seven (7)** days advance written ~~notification~~ **notice** and receiving approval by Resolution.

(D) The following contracts shall not be entered into without giving ~~five (5)~~ **fourteen (14)** days advance written ~~notification~~ **notice** 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 \$10,000.001 and \$100,000.00.

(2) The contract has not been bid in accordance with Section 803 of the Administrative Code and the **value of 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.

(4) The fourteen (14) day advance written notice requirement may be waived by motion of the Board.

(E) The following contracts shall not be entered into without giving sixty (60) days advance written ~~notification~~ **notice** 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 **value of 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 requirement 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) 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.

(G) 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.

(H) 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.

(I) 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 on October 1, 2015.

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.