COUNTY OF LEHIGH
ADMINISTRATIVE CODE
REVISED AUGUST 2026

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DEPARTMENT OF LAW
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LEHIGH COUNTY ADMINISTRATIVE CODE

ARTICLE I

SHORT TITLE, EFFECT, AND DEFINITIONS

Section 101 - TITLE

This Code and all amendments hereto shall be known and may be cited as the "Lehigh County Administrative Code".

Section 102 - PURPOSES

The purpose of this Code is to clarify the responsibilities and authority of administrative units within Lehigh County government and to outline certain procedures and policies consistent with the provisions of the Lehigh County Charter.

Section 103 - EXISTING LEGISLATION CONTINUED

Except to the extent to which they may be inconsistent with the provisions of the Administrative Code, all existing County laws, resolutions, rules and regulations heretofore adopted shall continue in force and effect until amended, superseded or repealed.

Section 104 - DEFINITIONS

Whenever used in this Code, local laws, ordinances, legalizing acts or resolutions, unless otherwise expressly stated or required by subject matter or context, words will have the following definitions:

a. "County" shall mean the County of Lehigh;

b. "Charter" shall mean the Home Rule Charter of the County and all amendments thereto;

c. "Administrative Code" and "Code" shall mean this Administrative Code adopted by and for the County of Lehigh and all amendments hereto;

d. "Board" shall mean the Lehigh County Board of Commissioners;

e. "Executive" shall mean the County Executive elected by the voters pursuant to the Lehigh County Charter;

f. "Elected Officials" shall mean all elected County officials with the exception of the Board of Commissioners. It is recognized that all of the Judges of the Court of Common Pleas of Lehigh County as well as the District Justices of Lehigh County are officials of the Commonwealth of Pennsylvania and therefore are not within the meaning of Section 104;

g. "County funds" shall mean all monies collected by any office or department of the County Government;

h. "Administrative Service" shall mean departments under and directly reportable to the County Executive as outlined in Section 403-1.

All words and phrases in this Code are used according to their accepted and ordinary meaning except where another meaning is specifically indicated. Words used in the singular number shall extend to and include the plural number, and words used in the plural number shall extend to include the singular number.

ARTICLE II

LEGISLATIVE BRANCH

Section 201 - THE BOARD OF COMMISSIONERS

The legislative powers of the County shall be vested in an elective body which shall be known as the Board of Commissioners. The Board of Commissioners shall have and exercise all powers and perform any functions not denied it by the Constitution of Pennsylvania, by the Charter, this Code, or by the General Assembly at any time. These shall include, but shall not be limited to, all powers and functions now, or hereinafter, conferred or imposed upon it by the Constitution and laws of the Commonwealth of Pennsylvania, the Charter, and this Code, together with the rights, privileges, functions, and powers necessarily implied or incidental thereto.

Section 202 - ORGANIZATION AND RULES OF PROCEDURE

1. The Board shall be organized and follow the Rules of Procedure as stated in Article III, Section 303, of the Charter.

2. While no attempt should be made by the Commissioners to alter daily operational policy, Department Heads (as defined in Section 403 of this Code) shall cooperate with the Board of Commissioners in furnishing information as requested.

Section 203 - MEETINGS

Pursuant to the Charter, Article III, Section 304, the Board shall establish and hold regular meetings. The right of the County Executive to attend and address all regular meetings is hereby established.

Section 204 - STAFF

The Board may authorize and appoint personnel as needed as stated in Article III, Section 305, of the Charter.

Section 205 - QUORUM

A quorum must be present to take action as established in Article III, Section 306, of the Charter.

Section 206 - FILLING VACANCIES IN ELECTED OFFICES

Pursuant to the Charter, Section 208, the Board shall follow the following procedure in filling vacancies in elected office:

1. Upon notification of a vacancy, the Chairman of the Board of Commissioners shall seek applications by placing a notice in at least one newspaper of general circulation, and by distributing a notice to the relevant professional organization, if applicable, and to the political party of the individual who held the office prior to the vacancy.

2. The aforesaid notice shall include a statement of the qualifications enumerated by the Charter and a date for applications to be received by the Chairman of the Board.

3. Applications shall be received no later than ten (10) days after the effective date of the vacancy.

4. Applications shall be received by the Chairman and forwarded to the Intergovernmental and Appointments Committee of the Board (the committee).

5. At the discretion of the committee, applications may be forwarded to the relevant professional organization, if applicable, to determine if applicants meet the qualifications as defined in the Charter, such determination to be made within ten (10) days (no later than 20 days after the effective date of the vacancy).

6. The committee shall review all qualified applicants and make a recommendation to the full Board of Commissioners within thirty days of the effective date of the vacancy.

7. The Board shall confirm or reject the committee's recommendations within forty-five (45) days of the effective date of the vacancy. If the Board rejects the committee's recommendation, a Commissioner may nominate any other qualified individual, and this nomination shall be considered at the said meeting.

8. Should the Board fail, for any reason whatsoever, to fill such a vacancy within forty-five (45) days after the vacancy occurs, the Court of Common Pleas shall, upon petition of the County Executive or the Board of Commissioners, or any five (5) citizens of the County, fill the vacancy in such office by appointment of a qualified resident of the County who is of the same political party affiliation as the person who vacated same office.

ARTICLE III

EXECUTIVE BRANCH

Section 301 - COUNTY EXECUTIVE

There shall be a County Executive who shall be elected by the County at large and who shall be responsible for the faithful and efficient performance of all administrative functions of the County.

Section 302 - POWERS AND DUTIES

1. Pursuant to Article IV, Section 402, of the Charter, the County Executive shall have and exercise all powers and duties granted by the Charter, this Code, and all other applicable County, State, and Federal Laws.

2. The County Executive shall have the authority, subject to confirmation by the affirmative vote of at least a majority of the Board of Commissioners in office, to appoint competent qualified members of Agencies, and the heads of all Departments, Offices, and Bureaus in the administrative service; and shall have the power to dismiss, suspend and discipline, in accordance with the Personnel Code, all officers and employees under his or her supervision. Subject to confirmation by the Board of Commissioners as aforesaid with respect to heads of Offices and Bureaus in the administrative service, the authority to appoint and remove subordinates serving under department directors in the administrative service may be delegated to the directors subject to the personnel provisions of the Personnel Code.

3. If any department director under the supervision of the County Executive is absent due to illness or disability, the County Executive shall designate him or herself or some other employee to perform the duties of the position.

4. The County Executive shall have the authority to assign new functions to the departments in the administrative service with the approval of the Board.

5. The County Executive shall have the responsibility to undertake and direct program and performance audits.

6. The County Executive shall meet with the Commissioners on a regular basis to brief them on the status of the County.

7. The County Executive, if possible, shall notify the Chairman of the Board of Commissioners before declaring a State of Emergency.

8. The County Executive shall report his or her declaration of a State of Emergency and proposed resulting action in writing to the Board of Commissioners within twenty-four (24) hours of his declaration of a State of Emergency. In the event that a State of Emergency is declared over a holiday or weekend, the County Executive's written report must be submitted by 4 p.m. of the next business day.

Section 303 - ADMINISTRATIVE POLICY AND PROCEDURES

1. Each appointed department director and elected official in the administrative service shall perform all duties required by the office or department by the Constitution of the Commonwealth of Pennsylvania, the Charter, this Code, and Ordinances of Lehigh County.

2. The department directors appointed by the County Executive shall be immediately responsible to the County Executive for the effective administration of their respective departments and all activities assigned thereto.

3. Each elected official and department director shall keep informed as to the most recent practices, regulations and procedures in their particular field and shall implement, with the approval of the elected official or officials responsible, such new practices as appear beneficial and relevant to the department, to the overall operation of the County, and to the residents of the County.

4. Each department director in the administrative service shall submit annual reports of the department to the County Executive. Additional reports may be solicited.

5. Elected officers and department directors shall establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of department activities. This system shall form a basis for periodic reports to the County Executive from all officials.

6. Each elected official and department director shall be responsible for the proper care of all County property and equipment used in his or her office or Department.

7. Elected officials and department directors shall abide by the prescribed financial and purchasing procedures as outlined in this Code and by the procedures outlined in the Personnel Code.

Section 304 - OFFICE OF PUBLIC INFORMATION

Repealed.

Section 305 - COOPERATION AMONG DEPARTMENTS

It shall be recognized by all elected officials and department directors that each is serving the citizens of Lehigh County and that such service will be most efficiently accomplished by an atmosphere of willing cooperation and coordination with other departments and agencies within the County.

ARTICLE IV

DEPARTMENTAL ORGANIZATIONS

Section 401 - OFFICES HEADED BY ELECTED OFFICIALS

The following offices are directed by elected officials:

OFFICE	DIRECTED BY
Office of District Attorney	District Attorney
Office of Coroner	Coroner
Office of Controller	Controller

Section 402 - ELECTED INDEPENDENT COUNTY OFFICES:

The following offices shall function under the administration of the Executive Department for purposes of all budgetary requirements, financial controls, personnel procedure and purchasing provisions. They shall otherwise service the requirements of the judicial branch and the Lehigh County populace.

Clerk of Judicial Records
Sheriff

Section 403 - ADMINISTRATIVE SERVICE DEPARTMENTS:

1. The following departments are administered by department directors appointed by the County Executive:

DEPARTMENT	DIRECTED BY
Department of Administration	Director of Administration
Department of Community and Economic Development	Director of Community and Economic Development
Department of Human Services	Director of Human Services
Department of Cedarbrook	Nursing Home Administrator
Department of Corrections	Director of Corrections
Department of Law	Solicitor
Office of Public Defender	Public Defender
Department of General Services	Director of General Services

2. The following offices and bureaus are administered by office and bureau directors appointed by the County Executive and confirmed by the Board of Commissioners:

OFFICE/BUREAU	DIRECTED BY
Office of Information Technology	Chief Information Officer
Office of Jail	Warden II
Bureau of FH - Administration	Assistant Nursing Home Administrator
Office of Fiscal Affairs	Fiscal Officer
Bureau of CB - Nursing Office	Director of Nursing
Bureau of CB – Financial Services	Supervisory Accountant
Office of Mental Health/Intellectual Disabilities/ Drug and Alcohol	MH/ID/D&A Administrator
Office of Children & Youth Services	Children & Youth Services Director
Office of Assessment	Real Estate Appraisal Director
Office of Men's Community Corrections Center	Warden I
Office of Aging and Adult Services	Aging Services Director
Office of Human Resources	Human Resources Officer
Office of Capital Projects	Capital Projects Manager
Office of Risk Management	Risk Manager

ARTICLE V

OFFICE AND DEPARTMENTAL RESPONSIBILITIES

Section 501 - OFFICE OF THE DISTRICT ATTORNEY

There shall be an Office of the District Attorney which shall have and exercise all powers and duties pursuant to Article V, Section 502 of the Charter.

Section 502 - OFFICE OF THE CONTROLLER

The Office of the Controller shall have and exercise all powers and duties stated in Article V, Section 503 of the Charter. The duties of the office shall be organized to perform the following functions:

a. Audits of any account of any agency receiving, disbursing, or authorizing the disbursement of County funds, such audits shall assure compliance with Federal and State law and regulations as to the payment and receipt of monies. These may be performed at any time, by his or her own initiative, or at the request of the County Executive or the Board of Commissioners. The Controller shall send a copy of all audit reports on audits he or she performs to the office of the Board of Commissioners, upon completion of the audit but not more than fifteen (15) days after performing the audit.

b. Review all warrants for the expenditures of County monies and review the bidding, contract and other documents constituting the basis for the expenditures and if satisfied that such expenditures are within the budget allotment pertaining thereto and otherwise conform to the applicable legal requirements, shall sign said warrant before it is paid.

c. Management, performance audits and/or program results of any County Department or Agency to evaluate the efficiency and productivity of the Agency or Department. Such audits may be initiated by the Controller or may be requested by the County Executive or the Board of Commissioners. Within fifteen (15) days of completion of such audit, "completion of such audit" to include compliance with the requirements of Ordinance 1978 - No. 117, a report shall be submitted to the Board of Commissioners and the County Executive. Standards for such audits should be presented to the Board of Commissioners for approval, and no such performance audits shall be conducted by the Controller on his own initiative until the standards have been approved by the Board. Current standards for performance audits are contained in Ordinance 2011 – No. 163.

d. Operate an ethics hotline for the reporting of suspected fraud and theft directly to the Office of the Controller. The Controller shall conduct a confidential investigation into all meritorious reports received. Those reports deemed not meritorious by the Controller must be documented. A summary account of all reports and the findings of the resultant investigations shall be submitted annually to the Board and the Executive. The records of all reports and findings shall be made available in a confidential manner as part of the independent audit.

Section 503 - DEPARTMENT OF ADMINISTRATION

1. As mandated by Article IV, Section 405 of the Charter, there shall be a Department of Administration which shall perform the following functions:

a. Preparation of the Annual Budget for the Executive which shall include the operational and capital plan. The budget procedures set forth in Article VI of this Code shall be followed.

b. Administration of a centralized accounting system which shall accurately reflect the assets, liabilities, receipts, and expenditures of the County. Policies and procedures are outlined in Article VI of this Code.

c. Supervision of individual assessments and collection of all County taxes.

d. Administration of all duties previously assigned to the County Treasurer under State Law, including, but not limited to:

(1) Issuing licenses for the Commonwealth;

(2) Collecting and transmitting money for the Commonwealth;

(3) Disbursing, collecting and transmitting monies for the State Treasurer;

(4) Receiving all fines.

e. Administration of the collection of past due real estate taxes for the County and all municipalities who have agreed to allow the County to collect such taxes for them. Such function shall be accomplished through the establishment of a Tax Claim Bureau.

f. Provision of a comprehensive system of County purchasing. The responsibilities and duties are addressed in Article VIII of this Code and

include the establishment and administration of competitive bidding rules and procedures, bonding policies, emergency policies, and the responsibilities of the purchasing director and the user agencies.

g. Management of computer services which shall provide computer reports and programs as deemed necessary by department directors and elected officials.

h. Review all warrants for the expenditures of County monies, determine that such expenditures are within the budget allotment pertaining thereto.

i. Administration of a centralized County personnel system which shall include: job classification and pay; recruitment and selection; performance evaluation; training and development; labor relations; personnel policies and regulations; coordination and administration of employee benefits; coordination and administration of leave time, donated leave, FMLA and other leave-related programs; and any other personnel related items.

j. Risk Management.

k. Coordination of veteran affairs.

2. The Department of Administration shall work in coordination with the Board of Assessment Appeals and the Election Board.

Section 504 - ELECTED INDEPENDENT COUNTY OFFICES

The responsibilities of the office of Clerk of Judicial Records and Sheriff shall include cooperation with the Department of Administration. Such cooperation shall include, but not be limited to all budgetary requirements, financial reporting, personnel remuneration procedures and purchasing provisions.

Section 505 - COURT RELATED SERVICES

1. To the extent not in conflict with the rule-making power of the judiciary, the judicial branch shall comply with all budgetary requirements, financial controls, personnel remuneration procedures and purchasing provisions as shall all other areas of County government as set forth in the Charter and this Code.

2. The Judiciary may fill for a period of not in excess of ninety (90) days any vacancy among the personnel presently or hereafter employed or appointed by the Court of Common Pleas of Lehigh County, or any member thereof, at a salary or wage not in excess of that which was paid to the person who had previously occupied the

vacated post. Notice of the temporary appointment, compensation and job description shall be referred to the Board within thirty (30) days following the first day of employment. Within thirty (30) days following such referral, the Board shall review, approve and/or adjust the compensation and notify the Judiciary of its action. In the absence of any action by the Board as aforesaid, the compensation fixed by the Judiciary shall be deemed approved.

Section 506 - DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

There shall be a Department of Community and Economic Development which shall perform the following functions:

a. Provision and implementation of economic development strategies in cooperation with public and private sector agencies;

b. Development of financial resources for the County in cooperation with Federal and State monies, private foundation monies and private industry and business funds;

c. Development of internal and external communication and publications;

d. Marketing County assets and resources;

e. Provision of Quality of Life support services;

f. Administration of Community Development Block Grants;

g. Coordination with the following authorities and commissions of the County: General Purpose Authority, Industrial Development Corporation.

Section 507 -DEPARTMENT OF HUMAN SERVICES

1. There shall be a Department of Human Services which shall perform the following functions:

a. Coordination of programs and services of the aging;

b. Prevention of drug and alcohol abuse;

c. Direction of mental health/intellectual disabilities programs and services;

d. Provision for a planning mechanism for youth services;

e. Administration of child welfare services;

f. Coordination with each human service advisory board established in Article VII, Section 702 of this Code.

2. Through evaluation of duties and responsibilities of the above, functions shall be undertaken to determine if any duplication of services exists. It is the responsibility of the department director to recommend annually to the Executive any reassignments in responsibilities that may be required to more efficiently provide these services to County residents.

Section 508 -DEPARTMENT OF CEDARBROOK SENIOR CARE AND REHABILITATION

There shall be a Department of Cedarbrook Senior Care and Rehabilitation which shall perform the following functions:

Operation and Maintenance of long-term health care facilities.

Section 509 -DEPARTMENT OF CORRECTIONS

There shall be a Department of Corrections which shall perform the following functions:

a. Operation of all Lehigh County adult and juvenile correctional institutions as may be established;

b. Administration of all adult and juvenile rehabilitation programs and services;

c. Administration of all functions formerly assigned to the Lehigh County Prison Board.

Section 510 -DEPARTMENT OF LAW

1. There shall be a Department of Law which shall perform the following functions:

a. Provide legal advice to all County agencies and to the Board, except for the office of the Controller in the event he or she appoints a Solicitor;

b. Represent County agencies and their employees in relation to their official duties. Review and preparation of all necessary papers and written instruments in connection therewith;

c. Represent the County in all actions in which the County is a party;

d. Prepare resolutions, ordinances, legalizing acts and local laws to be presented for action by the Commissioners together with notices and other items in connection therewith;

e. Draft and submit any needed amendments to the Charter or this Code as requested;

f. Draft and submit to appropriate newspapers notices and/or legal ads as specified in the Charter, for the Board of Commissioners. Also, Department of Law shall draft and submit to the appropriate newspapers, any notice or ad dealing with County business, as requested by the Chairman of the Board of Commissioners;

g. Perform such other legal duties as may be prescribed by law not inconsistent with the Charter or this Code;

h. Perform such other legal duties relating to County business as may be requested by the County Executive.

2. Disclosure of Possible Conflicts of Interest or Representation of Other Interested Parties

a. The County Solicitor will inform the County Executive and the Board of Commissioners in the event that members of the Department of Law staff or members of their law practices (attorneys with whom they are professionally affiliated) are representing other governmental agencies in any matter in which the County is involved, regardless of whether adversity or conflict exists.

b. The County Solicitor will inform the County Executive and the Board of Commissioners in the event that any private representation by members of the Department of Law staff or members of their law practices (attorneys with whom they are professionally affiliated) raises a possible conflict of interest with respect to a matter that will come before the Board.

c. In situations arising under either Section 510(2)a or 510(2)b, immediately above, screening and other procedures consistent with Rule 1.11 of the Rules of Professional Conduct for Attorneys in Pennsylvania (the "Rules of Professional Conduct") will be used, and such procedures explained to the County Executive and the Board in writing. The County

Executive and the Board shall have the opportunity to exercise their respective rights to either consent under the Rules of Professional Conduct or hire outside counsel as provided by Section 305 of the Home Rule Charter.

d. In the event an unavoidable actual conflict of interest arises, the proper action to terminate the conflict will be taken under the Rules of Professional Conduct and Sections 305 and/or 407 of the Home Rule Charter.

Section 511 - OFFICE OF THE PUBLIC DEFENDER

There shall be an Office of the Public Defender which shall have and exercise all powers and duties pursuant to Article IV, Section 408 of the Charter.

Section 512 – DEPARTMENT OF GENERAL SERVICES

There shall be a Department of General Services, which shall perform the following functions:

a. Maintenance of parks and recreational facilities of the County;

b. Maintenance of County-owned real properties; provision of installations and/or removal of communication and telephone equipment;

c. Records Retention;

d. Maintenance and construction of County bridges;

e. Provision of Environmental control services;

f. Administration of the Civil Defense operation;

g. Administration of the Communications Center;

h. Maintenance of all equipment;

i. Administration of the Inmate Work Program;

j. Operation and maintenance of the industrial wastewater pretreatment plant.

k. Administration of Central Services. This function shall provide utility services, central mail and messenger services, and any centralized office

management administration improvement studies and programs.

l. Provision of Planning studies and reports, including but not limited to the annual capital plan and an annual office space plan;

m. Coordination and implementation of solid waste management plans;

n. Coordination and implementation of resource use and preservation plans;

o. Coordination and implementation of transportation plans;

p. Provision of Public Information Services;

q. Coordination with the following authorities and commissions of Lehigh County: Lehigh-Northampton Transportation Authority, Lehigh Valley Planning Commission, Housing Authority, Lehigh County Authority, Agricultural Land Preservation Board, Conservation District, Trexler-Nature Preserve Advisory Board.

Section 513 - OFFICE OF CHIEF OF STAFF

[Repealed].

ARTICLE VI

BUDGETARY AND FINANCIAL POLICIES AND PROCEDURES

Section 601 - BUDGET CALENDAR

1. Pursuant to Article VII, Sections 702-705 and 708 of the Charter, a Budget Calendar is established which prescribes formal actions required each year for the adoption of the County Budget and Operational and Capital Plan.

2. The adoption of the Operational and Capital Plan shall adhere to the following schedule:

a. The Executive shall submit a proposed Operational and Capital Plan to the Board no later than June 30th of each year.

b. The Board shall publish, no later than August 18th, in at least one (1) newspaper of general circulation in the County, a summary of the Plan, a notice of times and places for public inspection of the proposed Plan, and a notice of time and place of the public hearing on the proposed plan.

c. No less than two (2) weeks after such publication and no later than September 1st, the Board shall hold a public hearing on the proposed Operational and Capital Plan.

d. No later than September 1st, the Board shall adopt an Operational and Capital Plan.

e. After adoption and no later than September 4th, the Board shall deliver the adopted Plan to the County Executive

f. Within ten (10) days after delivery, but no later than September 14th, the Executive may veto or reduce any item by returning the Plan to the Board with an explanatory statement.

g. No more than fifteen (15) days following action by the Executive and no later than September 29th, the Board may override Executive action by a vote of a majority plus one (1) of the members of the Board in office.

h. The Operational and Capital Plan shall be developed for a time period of five (5) years.

3. The adoption of the County Budget shall adhere to the following time schedule:

a. The County Executive shall submit a proposed Budget to the Board no later than August 31st.

b. By the end of business on the day of the County Executive's budget presentation each year the Department of Administration shall submit to the Board an electronic copy of the proposed budget submitted by the County Executive. "Electronic copy" is defined as a searchable PDF version of the budget books. The Board may redefine the term "electronic copy" provided the amendment of this Code to do so is transmitted to the County Fiscal Officer so that he or she may timely provide the budget submitted by the County Executive in the newly designated electronic format.

c. The Board shall publish, in at least two (2) newspapers circulating generally in the County and in such electronic or other media as may be designated by ordinance a general summary of the budget and a notice stating the times and places where copies of the budget are available for inspection by the public, and the time and place, no earlier than two weeks after such publication, for a public hearing on the proposed budget.

d. No less than two (2) weeks after such publication and no later than October 31st, the Board shall hold a public hearing on the proposed Budget.

e. No later than October 31st, the Board shall adopt a Budget.

f. After adoption of the budget by the Board, the Board shall deliver the adopted Budget to the County Executive within three (3) days.

g. Within ten (10) days after delivery, the County Executive may veto or reduce any item by returning the Budget to the Board with an explanatory statement.

h. No more than fifteen (15) days following action by the County Executive, the Board may override the Executive action by a vote of a majority plus one (1) of the members of the Board in office.

i. If the Board fails to adopt a budget by October 31, then the budget as presented by the County Executive shall become effective as if it had been enacted unless the budget is returned to the County Executive as provided for in Section 704(c) of the Home Rule Charter, and section 601(3)(j) below.

j. If the budget presented by the County Executive provides for a change in any existing tax rates or the inclusion of new taxes authorized by the

Commonwealth of Pennsylvania, which provide for a change in County tax revenue estimates from those of the budget of the current year, then the Board by a majority vote may send the budget proposal back to the County Executive with the requirement that the County Executive resubmit to the Board within fourteen (14) days a budget proposal that contains a certain rate of taxation or a certain level of tax revenue estimate or such other modifications as the Board shall direct. Such a motion to send the budget proposal back to the County Executive must be made prior to October 31st. Within seven (7) days after resubmission to the Board, the Board shall provide public notice pursuant to Section 1009(r) of the Home Rule Charter which includes a general summary of the resubmitted budget and the times and places where copies of such budget are available for inspection by the public. The Board shall hold public hearings on the resubmitted budget. The Board shall adopt a budget under this subsection by December 14 and the Board may adopt such budget at the same meeting at which it is introduced. The same budget procedure as in Section 704(a) of the Home Rule Charter shall be used by the Board. If the Board fails to adopt a budget by December 14, then the resubmitted budget shall become effective as if it had been enacted.

k. If the Board fails to adopt a budget by October 31st, but adopts a budget by December 14th pursuant to §704(c) of the Home Rule Charter and section 601(3)(j) above, then the adopted budget shall be delivered within three (3) days to the County Executive who within five (5) days thereafter may veto, reduce or restore any appropriation item contained in it. If the County Executive vetoes, reduces or restores any appropriation item in the budget, he or she shall return it to the Board with his or her reasons for the veto, reduction, or restoration stated in writing. The Board may reapprove any appropriation item over the veto, reduction, or restoration of the County Executive within ten (10) days, or by December 31st, whichever is earlier, with an affirmative vote of at least a majority, plus one (1) of the members of the Board in office.

Section 602 - BUDGET FORMAT

1. The County Budget shall contain:

a. A budget message which shall clearly present the position of the Executive concerning the expected accomplishments during the coming year, the estimated costs, sources of revenue, the proposed tax levy, the proposed capital and operating expenditures, and the changes in the County's debt from the previous fiscal year.

b. A clear statement of the County's debt position.

c. A listing of all authorized and requested full-time positions of employment by organizational unit.

d. Comparison figures which shall show cumulative actual revenue and expenditure figures for the current year to date and the last year to the same date.

2. In addition to the operating budget submitted by the County Executive, the budget of Lehigh County shall contain a capital budget.

a. Said capital budget shall be submitted and approved following the same schedule as provided for in Article VII of the Lehigh County Home Rule Charter.

b. Said capital budget shall list the major capital expenditures for the fiscal year by department, office, and bureau. The source of the revenue for each project shall also be included.

c. Said capital budget shall include those projects which are:

(1) Newly acquired physical facilities or land with costs exceeding $4,000.00.

(2) Renovation or replacement of existing facilities and equipment with the unit cost exceeding $4,000.00.

(3) Newly acquired equipment or capital related services, such as computer software, with an expected life of two (2) or more years, with a unit cost exceeding $4,000.00.

(4) Architectural studies and/or related capital addition, replacement or renovation studies, with unit cost exceeding $2,500.00.

(5) Any expenditure, regardless of amount, financed through a long-term debt obligation (exceeding one year).

Section 602.1 - <u>CAPITAL PLAN STANDARDS</u>

1. The County Capital Plan shall be designed to reflect the long-term strategic plans of the County and therefore shall contain:

a. Projected needs for new physical facilities or land, or improvements, any of which have an expected cost exceeding $20,000.00 and a projected life exceeding ten (10) or more years.

b. Projected needs for equipment or capital-related services with an expected life of two (2) or more years, and with an expected unit cost to exceed $20,000.00.

c. Expected needs for capital projects, whose sum of component parts, including studies and engineering, are projected to exceed $20,000.00.

d. Expected needs for any other project determined by the County Executive or the Board of Commissioners to have long-term fiscal and/or managerial impact on the County of Lehigh.

2. An Organization unit - line item budget utilizing a standard system of accounts shall be adopted.

3. The County Executive shall strive to accumulate records of costs on a program basis and annually report such cost to the Board.

Section 603 - SUPPLEMENTAL APPROPRIATIONS

1. Supplemental appropriations shall require the passage of an ordinance by the Board.

2. Such appropriations are only authorized for designated excess revenues which have been clearly documented by the Executive.

Section 604 - BUDGET ADMINISTRATOR

1. For purposes of planning cash flow, avoiding unnecessary borrowing, and exercising more efficient management, the Executive shall, with the department directors, establish specific work programs and allotments. The Executive shall have the authority to revise the allotments at any time during the fiscal year for any reason.

2. The Director of Administration or his or her designee shall certify the availability of unencumbered funds before an order is placed or a payment is made from an appropriation.

3. No bill, demand, or claim shall be paid unless it contains an itemized statement of the items or services, stating by the party claiming payment that it is correct,

and is certified that the items have been received, or the services rendered to the County.

4. All bills, claims and demands against the County shall be approved in accordance with action of the Director of the Department of Administration. A voucher, on a form prescribed by the Director of the Department of Administration, shall be presented for each bill, claim or demand and shall be paid only upon the audit, warrant and approval of the Director of the Department of Administration.

5. Disbursement shall be made by a combination warrant-bank check or draft warranted by the Controller and countersigned by the Executive or any County officer he or she may designate.

Section 605 - COUNTY DEPOSITORY

1. The County Executive shall designate the depositories for County Funds.

2. The Board shall be advised of all depositories utilized and changes in depositories as they occur.

3. Depositories so designated shall, upon receipt of notice of their selection as a depository of County funds, furnish a bond to secure payment of deposits and any interest to the County, secured by a surety company or by the depositing in escrow of securities to be approved by the Board. The parties may, by agreement, provide the substitution of securities so held in escrow, the securities in every case to be approved by the Board. Such bond shall be in a sum to be fixed by resolution of the Board. The depository shall not be required to furnish a bond or deposit securities in escrow to secure payment of deposits and interest insured by the federal Deposit Insurance Corporation.

Section 606 - BORROWING

The Board shall adhere to the provisions of the Pennsylvania Local Government Unit Debt Act (Act 185 of 1972) for the borrowing of any funds.

Section 607 - REPORTS

The Executive shall submit monthly reports to the Board which shall contain information on the County's financial position. Such reports include, but shall not be limited to, budget comparison figures comparing the current year to the previous year.

Section 608 - PAYROLL

Salaries, wages, and other compensation of all officers and employees of the County shall be paid bi-weekly. Department Directors and elected officials shall certify to the Director of the Department of Administration, at such times and in such form as he or she shall prescribe, the names and positions of all such persons employed in or by the department who are entitled to be paid in the next ensuing payroll. The Director of the Department of Administration shall then complete a central Payroll for the County and prepare the necessary checks for signature.

Section 609 - PERSONNEL GROWTH MANAGEMENT POLICY

1. Each ordinance creating a new position, including the annual budget, shall contain an estimate of the complete 5-year cost of each new position, including benefits. Each ordinance shall also contain an estimate of the revenue sources, if any, anticipated to offset the cost of the new positions.

2. Positions shall not be added annually at a rate beyond the growth in the population as a whole as projected by the Joint Planning Commission of Lehigh-Northampton counties.

Section 610 – GRANTS – GENERAL PROVISIONS.

A. Definitions

1. Grant - funds or other aid of value, including services provided by the Lehigh County inmate work program, given to an organization for a particular purpose or purposes, but the usage of the term shall not include funds or other aid of value paid to an organization pursuant to a contract.

2. Organization – a domestic or foreign corporation for profit or not-for-profit, association, general or limited partnership, limited liability company, sole proprietorship, political subdivision or municipal authority.

B. All grants, unless otherwise specified herein, shall be allocated through the budget process or by ordinance. Notwithstanding the foregoing, grants that are allocated during a state of emergency, as declared by the County Executive or by an affirmative vote of at least a majority of members of the Board in office, may be allocated by resolution.

C. The following requirements are applicable to all grants made by Lehigh County, including those specified in Sections 611, 612 and 613:

1. All organizations requesting grant funding from Lehigh County, whether funded by real estate tax dollars, other County revenues or pass-through funding shall provide the following information as part of the request for funding:

a. The current and previous fiscal year's budget, including the actual revenues and expenditures for the previous year.

b. Audited financial statements for the two (2) previous fiscal years, if required to be prepared. If an organization does not have audited financial statements for the two (2) previous fiscal years, internal financial statements including Statement of Financial Position (commonly called a balance sheet) and Statement of Activity (commonly called an income statement or a profit and loss statement) must be provided for the two (2) previous fiscal years and, if available, audited financial statements for the two (2) most recent fiscal years for which audited financial statements were prepared.

c. If the organization is tax-exempt, a copy of the organization's IRS Form 990, IRS Form 990-EZ, or IRS Form 990-N (e-Postcard), as applicable, for the most recent tax year.

d. A list of all funding sources and the total amount received from each funding source for the previous year.

e. A list of all funding sources for the current year, and a list of all pending applications for funding, including the amount requested.

f. A description the organization's experience, qualifications, and capacity to successfully complete the proposed project including, but not limited to, relevant past projects, staff expertise, partnerships, timelines, and demonstrated outcomes. Organizations can also attach resumes or qualifications for key staff, consultants, or project personnel who will be substantially involved in the implementation and management of the project.

2. This required information shall be submitted to the County Department head responsible for administering the grant, and shall be posted on the County's website. This information shall remain on the County's website through the entire term of the grant or subgrant agreement.

3. Organizations which cannot comply with these provisions must obtain a waiver recommended by the County Executive and approved by motion of the Board of Commissioners to be eligible to be considered for grant funding.

4. Commissioner Liaisons

a. If the Board of Commissioners specifically so requires, the appropriate authorities of the organization shall provide a written agreement that at least one (1) member of the Board of Commissioners of Lehigh County is to serve as a liaison between the organization's governing board and the Board of Commissioners, and will be entitled to receive advance notice of all meetings, to attend all meetings as an invited guest and to receive copies of the organization's minutes. As liaison to the organization, the designated commissioner will not be a voting member of the organization's governing board. This subsection shall only apply to organizations which receive more than Seven Thousand Five Hundred Dollars ($7,500.00) during a County fiscal year. This subsection shall not apply to municipalities.

b. The member of the Board of Commissioners selected to serve as liaison to the governing board of an organization shall be chosen by a majority of the members of the Board present at the meeting at which the selection is made.

5. [Repealed.]

6. Tax Delinquency

a. Grants shall not be given to an organization that is delinquent on any taxes due the County until the taxes are paid in full. Delinquent shall herein be defined as the point when the taxes owed shall become the responsibility of the Tax Claim Bureau to collect.

b. If an organization becomes delinquent on taxes owed the County during a year when said organization is budgeted to receive a grant, grant funds shall be withheld in lieu of taxes until taxes are paid in full.

c. The Department of Administration shall issue written notice to the Board within sixty (60) days of the end of the fiscal year if a grant recipient is found to be delinquent on any taxes due the County. The County shall withhold payments until the taxes are paid in full.

d. The County of Lehigh shall not give grants to an organization that is also a lessee of the County until the rent due the County is paid in full as provided for in the terms of the lease agreement.

g. Lehigh County's application form for grants shall require applicants to certify that they are not delinquent on taxes or other obligations owed to the County, and shall describe the requirements of this section.

D. Failure to comply with these provisions shall disqualify an organization from receiving the grant requested and from receiving any grants from the County for a period of five (5) years.

E. Adjustments Based on CPI

1. Adjustments to the base amounts set forth in Section 610(C)(4)(a) and Section 614(A) shall be made as follows:

   a. The Office of Community and Economic Development shall determine the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the 12-month period ending September 30, 2027, and for each successive 12-month period thereafter.

   b. If there is no positive percentage change, then no adjustment to the base amounts shall occur for the relevant time period provided for in this subsection.

   c. If there is a positive percentage change in the first year that the determination is made under paragraph (1):

      (1) The positive percentage change shall be multiplied by each base amount, and the products shall be added to the base amounts respectively, and the sums shall be preliminary adjusted amounts.

      (2) The preliminary adjusted amounts shall be rounded to the nearest $100 to determine the final adjusted base amounts for purposes of this subsection.

   d. In each successive year in which there is a positive percentage

change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary adjusted amounts, and the products shall be added to the preliminary adjusted amount of the prior year to calculate the preliminary adjusted amounts for the current year. The sums thereof shall be rounded to the nearest $100 to determine the new final adjusted base amounts for purposes of this subsection.

e. The determinations and adjustments required under this subsection shall be made in the period between October 1 and November 15 of the year following the effective date of this subsection and annually between October 1 and November 15 of each year thereafter.

f. The final adjusted base amounts and new final adjusted base amounts obtained under paragraphs (c) and (d) shall become effective January 1 for the calendar year following the year in which the determination required under paragraph (a) is made.

g. The Office of Community and Economic Development shall publish on the Community and Economic Development page of the County website prior to January 1 of each calendar year the annual percentage change determined under paragraph (a) and the unadjusted or final adjusted base amounts determined under paragraphs (c) and (d) for the calendar year beginning the first day of January after publication of the notice. The notice shall include a written explanation of the calculations performed in establishing the unadjusted or final adjusted base amounts under this subsection for the ensuing calendar year.

Section 611 - QUALITY OF LIFE GRANTS.

A. Each grant is a single-year commitment and is subject to the availability of funds.

B. Quality of Life Grants may be awarded for specific cultural, civic or recreational programs, projects or events or for capital projects or operational support.

C. The following definitions shall apply to this section:

1. Civic: promoting, providing opportunities for or developing community well-being and/or the betterment of citizens through volunteer-based service activities.

2. Cultural: promoting, providing or developing an awareness of and/or stimulating participation in artistic or intellectual activities.

3. Recreational: promoting, providing or developing non-passive or passive sporting and/or leisure activities and opportunities that enhance physical or mental well-being.

D. The County Executive, through the Department of Community and Economic Development, shall coordinate the application, evaluation and award process for the Quality of Life program.

E. An Evaluation Committee shall be organized to work with the Department of Community and Economic Development for the purpose of evaluating grant applications. The Committee shall consist of the following members: the County Executive, the Chair of the Board of Commissioners, two (2) members of the Board of Commissioners appointed by the Chair of the Board of Commissioners and two (2) members appointed by the County Executive.

F. The following organizations are eligible to request Quality of Life grant funding:

1. Cultural, civic or recreational organizations based in Lehigh County; or

2. Cultural organizations not based in Lehigh County which serve the Lehigh Valley region and receive a minimum of one to one matching support from the County government(s) in the other counties served.

G. In addition to the requirements set forth in §610, grant applications must also meet the following requirements in order to be considered:

1. For all requests except for requests for operational or administrative support, a grant request must be 50% or more of the organization's budget for the program, project (including capital projects), or event for which funding is being requested;

2. For all requests for operational or administrative support, a grant request may be no more than 25% of an organization's fiscal budget; and

3. An organization requesting a grant from the Quality of Life program must be a cultural, civic or recreational organization as previously defined, and be recognized as either a nonprofit organization under Section 501(c)

of the Internal Revenue Code or a non-profit organization affiliated with a unit of local government.

H. Grant applications will be evaluated by the Evaluation Committee according to the following ten (10) criteria, which will be defined on the grant application:

1. Actual number of people served;
2. Actual geographic service area;
3. Grant dollars sought per person served;
4. Cultural value to the community;
5. Educational value to the community;
6. Community involvement in planning and programming;
7. Appeal to diverse constituencies;
8. Ratio of private dollars to grant dollars requested;
9. Administrative ability of the organization, including the organization's track record for success; and
10. Economic impact on the community of the particular project or program.

I. The Evaluation Committee shall give additional consideration to cultural or civic organizations based in Lehigh County which obtain matching support from other County governments for projects serving the entire Lehigh Valley region.

J. Funds will be distributed after July 1 of the County budget year for which grant funding has been approved.

K. A list of organizations receiving grants awards will be distributed and reviewed by the Board of Commissioners during the budget process.

L. A list of organizations recommended to receive grant awards and their respective grant amounts will be included in the appendices of the proposed budget.

Section 612 - AFFORDABLE HOUSING GRANTS.

A. Purpose: The County Commissioners of Lehigh County intend to utilize the revenue from fees charged by the Recorder of Deeds to enable County residents to purchase or rent quality residential housing. Lehigh County established its Affordable Housing Fund pursuant to Ordinance Nos. 1996-120 and 2007-182.

B. Definitions: The following words and phrases when used in this section shall have the meaning given to them in this section unless the context clearly indicates otherwise:

1. "Affordable housing effort" – Any program or project duly approved by the County which increases the availability of quality housing, either sales**,** or rental or rehabilitation, to any Lehigh County resident whose annual income is less than the Lehigh County median income.

2. "County" – The County of Lehigh.

C. Disposition of Proceeds: All moneys raised for the recording of each deed and mortgage as provided in Ordinance No. 1996-120, shall be deposited in the general fund of the County and shall be allocated as follows:

1. A minimum of eighty-five (85%) percent of the moneys shall be set aside in a separate account to be used to fund affordable housing efforts in the County;

2. The remainder of the fees may be used by the County for administrative costs associated with the affordable housing efforts.

D. Affordable Housing Effort: Affordable housing efforts may include, but shall not be limited to:

1. Providing local matching funds to secure National Affordable Housing Act of 1990 HOME funds;

2. Assisting or supporting housing efforts, by the Pennsylvania Housing Finance Agency and by commercial and thrift institutions;

3. Supporting second soft mortgage programs;

4. Providing funds for the development of affordable housing units or programs through a Request for Proposal (RFP) process;

5. Providing grants and disbursing funds for homeowner and housing rehabilitation programs that increase the availability of quality housing. Over each five (5) year period, twenty percent (20%) of the moneys set aside for affordable housing efforts shall be directed to non-profits to be used for individual homeowner housing projects, including soft second loan programs for individual homeowners;

6. Supporting employee assistance housing programs.

E. The Lehigh County Department of Community and Economic Development

shall create and work with a formal housing advisory committee which shall consist of not less than thirteen (13) people with expertise in regional housing programs, finance, administration, county government and planning. This advisory committee will meet no more than quarterly to review proposals and make recommendations to the County. Any member of the advisory committee eligible to receive funding will not be entitled to vote on funding recommendations. The housing advisory committee shall include two (2) members of the Lehigh County Board of Commissioners: the Chair of the Board's Development Committee and a member of the Board selected by the Board.

F. Disbursal of Affordable Housing Funds

1. The Lehigh County Department of Community and Economic Development, with the assistance of the Housing Advisory Committee, is hereby authorized to administer and disburse the affordable housing moneys in accordance with this section.

2. For any month in which there has been disbursal activity, the Department of Community and Economic Development shall provide a monthly disbursal report regarding affordable housing funds to the Board of Commissioners.

3. Ordinance approval by the Board of Commissioners is required to disburse fund for any program or project involving more than three (3) housing units.

Section 613 - GAMING GRANTS.

The County of Lehigh's grant program for municipalities impacted by the South Bethlehem casino shall be administered as follows:

A. The County Executive, through the Department of Community and Economic Development, shall coordinate the application, evaluation and award process for gaming funds.

B. An Evaluation Committee shall be organized to work with the Department of Community and Economic Development for the purpose of evaluating grant applications. The Committee shall consist of the following members: the County Executive, the Director of Community and Economic Development, the Chair of the Board of Commissioners and one (1) member of the Board of Commissioners appointed by the Chair of the Board of Commissioners. The Evaluation Committee shall present its grant recommendations to the Board of Commissioners.

C. Grants may be requested for capital projects, transportation needs of the municipality due to increases in traffic, safety and crime prevention programs needed to combat documented increases in crime or other requests as defined by the municipality, and which are needed as a result of the location of the casino in South Bethlehem.

D. Each grant may be for a single-year or multi-year commitment and will be subject to the availability of funds.

E. Each municipality receiving a grant shall post the information required by Section 610.C.1 on its municipal website.

F. The Board of Commissioners shall approve the grants by ordinance.

Section 614 – EXCEPTIONS.

A. The provisions of section 610.C shall not apply to organizations whose total amount of grant or grants received from the County in any one calendar year is Seven Thousand Five Hundred Dollars ($7,500.00) or less.

B. Grants distributed pursuant to the Community Development Block Grant Program ("CDBG"), or pursuant to the HOME Investments Partnerships Program (HOME) for either for sewer and water lateral connections or for housing rehabilitation, shall not be subject to the requirements of section 610.C, so long as all federal and state requirements are met and ten (10) days prior written notice of each grant is provided to the Board of Commissioners.

C. A CDBG or HOME grant which has as its purpose payment for sewer and/or water lateral connections or for housing rehabilitation benefiting an individual homeowner may be paid directly to the contractor who has performed the work, under the following conditions:

1. The homeowner has received, and accepted by signature, the conditions of the grant;

2. The homeowner has solicited a minimum of three (3) written bids for the work performed, and provided them to the Lehigh County Department of Community and Economic Development (LC-DCED);

3. A fully executed agreement between the homeowner and the contractor has been provided to the LC-DCED; and

4. The homeowner has approved the work and provided written notice

of the approval to the LC-DCED.

Section 615 – AUDIT.

The Controller may audit any organization receiving grant funds pursuant to his or her duties under the Home Rule Charter and Section 502.a of this Administrative Code.

Section 616 – REQUIREMENTS FOR PREFERENTIAL REAL ESTATE TAX PROGRAMS

A. Any for-profit entity which owns real property within Lehigh County and wishes to participate in a preferential county real estate tax program must, as a condition of approval for the program, comply with the requirements of section 610.C.1.a-f.

B. A preferential county real estate tax program is any program which allows exemption, waiver, deferral, reduction or credit for County real estate taxes, either temporarily or permanently.

C. Exempt from this requirement are properties which are designated as Homestead, are enrolled in Act 319 or Act 515 programs, or are preserved farms under the County's farmland preservation program.

D. The required information shall be submitted to the County Fiscal Officer, and shall be posted on the County's website.

Section 617 - ASSESSMENT OFFICE REPORTING

A. The Office of Assessment shall provide an annual written report ("Report") to the Lehigh County Board of Commissioners ("Board"), with a courtesy copy provided to the Lehigh County Executive, the Chief Financial Officer of Lehigh County and the Lehigh County Controller.

B. The Report shall contain the following information:

1. The Common Level Ratio ("CLR") as determined by the State Tax Equalization Board;

2. The Coefficient of Dispersion as determined by the State Tax Equalization Board;

3. The Price Related Differential as determined by the State Tax Equalization Board;

4. The number of commercial appeals heard by the Board of Assessment Appeals for the current year, including all interim, annual, and exemption appeals;

5. The number of residential appeals heard by the Board of Assessment Appeals for the current year, including all interim, annual, and exemption appeals;

6. The reduction in assessed value as a result of the appeals heard by the Board of Assessment Appeals for that current year;

7. The number of commercial appeals filed to Court to contest the determination of the Board of Assessment Appeals for the current year, including all interim, annual, and exemption appeals;

8. The number of residential appeals filed to Court to contest the determination of the Board of Assessment Appeals for the current year, including all interim, annual, and exemption appeals; and,

9. The total tax base for Lehigh County for the upcoming tax year in assessed value subject to the pending appeals filed to Court as noted above.

C. The Report shall also include a short narrative from the Real Estate Appraisal Director providing a comparison of the prior year's Report and/or a brief description of the trends identified by the information contained in the report.

D. The Real Estate Appraisal Director shall provide and present the Report to the Board annually, but no later than the second scheduled Board meeting for the month of December. The Report shall include information through December 5 of the current year. The presentation of the Report shall occur in-person or by virtual attendance.

ARTICLE VII

AUTHORITIES, BOARDS AND COMMISSIONS

Section 701 - ESTABLISHMENT

Authorities, Boards and Commissions shall be established pursuant to Article VI, Section 601, of the Charter.

Section 702 - MEMBERSHIP

1. Appointments are made in accordance with Article VI, Section 602, of the Charter.

2. The term of office of each member shall be mandated by existing State or local law or resolution. In any future creation of an authority, board or commission, the term of office of each member shall be four (4) years, with staggered appointments, and members may be reappointed for additional terms of office.

3. The County Executive shall have the power to remove a member of an authority, board or commission if incapacity or absence prevents the member from discharging the duties of the office for a continuous period of more than six (6) months.

4. The County Executive shall have the power to authorize reimbursement of members of authorized expenses.

Section 703 - ADMINISTRATION

1. The County Executive shall conduct a detailed review of each authority, board and commission budget request.

2. For purposes of coordination, all authorities, boards and commissions shall work in close cooperation with specified departments in County government. The coordination shall exist for clerical services, reporting, budgeting, personnel, purchasing, data processing, and other administrative services that may be necessary.

a. The Lehigh Valley Planning Commission shall work in coordination with the Department of General Services.

b. The Lehigh and Northampton Transportation Authority shall work in coordination with the Department of General Services.

c. The Lehigh-Northampton Airport Authority shall work in coordination with the Department of General Services.

d. The Lehigh County Authority shall work in coordination with the Department of General Services.

e. The Lehigh County Housing Authority shall work in coordination with the Department of General Services.

f. The Trexler Nature Preserve Advisory Board shall work in coordination with the Department of General Services.

g. The Advisory Board to the Office of Children and Youth Services shall work in coordination with the Department of Human Services.

h. The Area Agency for the Aging/Adult Services Advisory Board shall work in coordination with the Department of Human Services.

i. The Mental Health/Intellectual Disabilities Advisory Board shall work in coordination with the Department of Human Services.

j. The Drug and Alcohol Commission shall work in coordination with the Department of Human Services.

k. The Board of Assessment Appeals shall work in coordination with the Department of Administration.

l. The Election Board shall work in coordination with the Department of Administration.

m. The Office of Youth Systems Development Advisory Board shall work in coordination with the Department of Human Services.

n. The Industrial Development Authority shall work in coordination with the Department of Community and Economic Development.

o. Lehigh County General Purpose Authority shall work in coordination with the Department of Community and Economic Development.

p. Lehigh County Velodrome Commission shall work in coordination with the Department of General Services.

q. The Office of Adult and Residential Services Advisory Board shall work in

coordination with the Department of Human Services.

r. The Lehigh County Agricultural Land Preservation Board shall work in coordination with the Department of General Services.

s. The Lehigh County Human Relations Commission shall work in coordination with the Department of Community and Economic Development and the Department of Law.

Section 704 – HUMAN RELATIONS COMMISSION

A. The Lehigh County Human Relations Commission was established pursuant to 43 P.S. §962.1 of the Pennsylvania Human Relations Act, by Ordinance No. 2024 - 106, and as amended by Ordinance Nos. 2024 – 138 and 2025 - 156, and may be referred to as the "Lehigh County Human Relations Commission" or the "Commission".

B. The Commission shall be composed of volunteers and shall consist of no fewer than seven (7) and no more than thirteen (13) members. The members shall serve terms of three (3) years each, with the initial terms for one third of the members being one (1) year, one third being two (2) years and the remainder being three (3) years. Members who have not resigned or been removed may serve until their successor is appointed and qualified. At all times there should be an odd number of members. Members shall be appointed by the County Executive and confirmed by the Lehigh County Board of Commissioners. Members of the Commission shall be residents of Lehigh County, individuals working in Lehigh County, or business owners who operate within Lehigh County. Members of the Commission may not be elected officers in any political party.

C. Members of the Commission shall serve without salary but may be paid expenses incurred in the performance of their duties, as approved by the Commission.

D. The Commission is hereby vested with the authority to administer and enforce the Lehigh County Human Relations Ordinance and shall be given sufficient administrative and legal support from the Lehigh County Department of Community and Economic Development, the Lehigh County Clerk of Judicial Records' Office, and the Lehigh County Department of Law to carry out its powers and duties, including assistance with intake of complaints and investigation of filed complaints of discrimination.

E. Any Commission member missing three (3) meetings in a row or missing more than three (3) meetings in a twelve (12) month period during their term will

be deemed as having resigned their position as Human Relations Commissioner, and the remainder of their term will be filled by appointment in accordance with this section.

F. If the number of Human Relations Commissioners serving on the Commission drops below seven (7) because of resignation or lack of attendance, additional Human Relations Commission members shall be appointed by the County Executive and confirmed by the Lehigh County Board of Commissioners, within sixty (60) days. If the County Executive does not appoint new Human Relations Commissioners within sixty (60) days of the Commission dropping below seven (7) members, the Board of Commissioners shall appoint sufficient Commissioners to ensure the Human Relations Commission has seven (7) members.

G. The Commission may select up to three (3) additional non-voting, ex officio members to broaden the diversity that serves and advises the Commission. Such ex-officio members will not be counted toward the seven (7) member Commission minimum, will not count toward establishing a quorum and shall serve for no more than three (3) years.

H. The Commission shall select one (1) of its members as the Chair of the Commission, one (1) as Vice Chair, and one (1) as Secretary.

I. The Chair of the Human Relations Commission will be responsible for setting Commission meetings, coordinating with the Department of Community and Economic Development regarding received complaints and answers, and generally ensuring that the duties of the Commission are fulfilled. The Chair may delegate responsibility for Commission duties to specific Commissioners or to paid staff. The Vice Chair will serve as Chair when the Chair is otherwise unavailable in emergency situations. The Commission Secretary shall coordinate minute-taking at meetings which may be done by paid staff or a Commissioner. Meetings may be recorded to assist with the preparation of the minutes.

J. A voting quorum of the Commission will be no less than half of the currently serving Commission members and may be no less than four (4) Commissioners.

K. Meetings of the Commission shall be duly advertised and conducted in accordance with the Pennsylvania Open Meetings Law.

L. Should the County of Lehigh be designated as a respondent in a complaint of discrimination, the Commission is authorized to engage outside legal counsel for the Commission to take the place of the County solicitors who regularly advise the Commission. Outside legal counsel shall be required to agree to all the County's standard terms and conditions, including insurance requirements. Notice of the

engagement shall be provided to the Board of Commissioners in writing.

Section 705 - DUTIES OF THE HUMAN RELATIONS COMMISSION

The Commission shall:

A. Meet monthly in-person or virtually on-line. When meeting on-line, Human Relations Commissioners must have their cameras on and be on screen and be attentive during the formal meeting.

B. Promote mutual understanding and work to improve relationships among all parts of the Lehigh County community, inclusive but not limited to those representing the protected classes covered by the Human Relations Ordinance.

C. Make studies into the status of human relations in the County.

D. At its discretion, cooperate with and assist other organizations, public or private, to improve relationships among the citizens of the County.

E. Provide educational information to community members and to organizations to promote a full understanding of the purpose and scope of the Human Relations Ordinance.

F. Receive and consider complaints of discrimination and administer and enforce the Human Relations Ordinance.

G. When appropriate, refer complainants to other social, civic, or government agencies for further action.

H. From time to time, but not less than once a year, provide a written report to the Board of Commissioners, describing in detail the investigations, proceedings, hearings and studies it has conducted and their outcome, the decisions it has rendered and the other work performed by it and make recommendations for such further legislation concerning abuses and discrimination because of protected class.

I. Maintain official copies of the minutes of Commission meetings, records of investigations and proceedings, recordings of hearings, studies conducted and their outcomes, the decisions rendered by the Commission and records of any other work performed by the Commission.

ARTICLE VIII

PURCHASING POLICIES AND PROCEDURES

Section 801 - POWERS AND DUTIES OF THE CHIEF PROCUREMENT OFFICER

The Chief Procurement Officer shall have the following powers and duties:

(A) Purchase or contract for all materials, supplies, equipment, and contractual services for all County agencies in accordance with Sections 803 and 804 of the Administrative Code detailing competitive monetary limits and methods of source selection.

(B) Excluded from the purchase or contract authority of the Chief Procurement Officer are the following items:

(1) Insurance
(2) Utilities and Telecommunication Services (Internet and Cable Television)
(3) Association dues
(4) Books, magazines, periodicals and subscriptions
(5) Travel expenses
(6) Training expenses
(7) Civic expenses and charitable contributions (grants)
(8) Business meeting expenses
(9) Meal Expenses
(10) Advertising Expenses
(11) Sensitive items requiring special handling during the course of a criminal prosecution by the Office of the District Attorney or during the course of a death investigation by the Office of the Coroner. All such expenses shall be limited to $1,000.00 per occurrence and must be signed off on by the District Attorney or the Coroner or their respective designees.
(12) Items or services purchased by the Office of the District Attorney with monies obtained through forfeiture
(13) Services of members of the medical or legal profession, registered architects, engineers, certified public accountants, or other personal services involving professional expertise including, without limitation, management services involving the outsourcing of a county function and staffing for it.
(14) Items or Services purchased with funds from established petty cash accounts.

(C) Review all requisitions for the purchase of materials, supplies, equipment, and services, not exempted from this Code, in terms of quality, cost, and availability of budgeted funds to cover the purchase.

(D) Prepare in cooperation with user agencies standard specifications for materials, supplies, equipment and services, not exempted from this Code, that are common to various County agencies.

(E) Place orders for all supplies, materials, equipment and services, not exempted by this Code, either by the issuance of a Purchase Order, or by any other generally accepted procedure.

(F) Enforce all regulations and procedures concerning purchasing.

(G) Procure for the County the highest quality of commodities and services that meet the users' needs at the least expense.

(H) Endeavor to obtain as full and open competition as possible.

(I) Purchase as many items as feasible in bulk to take full advantage of discounts.

(J) Keep informed of current developments in the field of purchasing including prices and market development.

(K) Keep accurate and up to date records of all verbal and written solicitations and bids so that they are available for public inspection.

(L) Formulate and submit for approval to the County Executive modifications or additions to purchasing regulations and procedures as deemed necessary.

(M) Establish and administer a system of service and maintenance for office equipment as required.

(N) Contract for office supplies which are commonly required by each department and agency within the County.

(O) Recommend to the County Executive, or his/her designee, disqualifications of vendors who default on their quotations.

(P) Develop and maintain a purchasing manual for distribution to user agencies which specifically outlines all appropriate procedures. This manual shall

be subject to the approval of the County Executive and a majority of the Board prior to printing and distribution and shall be amended as needed.

(Q) Review and revise requisitions and estimates of products needed and amounts designated by the user agencies.

(R) Make awards to the vendor who meets the specifications for the items or services to be purchased at the most economical cost while maintaining an acceptable level of quality and meeting the best interests of the County.

(S) Maintain a list of all awarded contracts which states who received the bid, the award date and the price. This list shall be made available for review upon request.

(T) Maintain documentation in the bid file whenever an award to other than the lowest cost bidder is given involving any publicly offered formal bid.

(U) Purchase certain products made from recycled materials under the following conditions.

(1) All paper products purchased by the county shall meet the Environmental Protection Agency (EPA) recommended minimum content standards as listed in the "Procurement Guideline for Paper and Paper Products", 40 CFR Part 2500, 53 FR 23546 (June 22, 1988).

(2) The Chief Procurement Officer is authorized to approve purchase of products made from recycled material that are equivalent or superior in performance and the cost is equal to or does not exceed by 10% the cost of like products made from wholly virgin material.

(V) In conjunction with the Office of Information Technology, develop and maintain an Internet web page to include purchasing related information which may be of interest to County residents and vendors.

Section 801.1 - PROCEDURE FOR PROFESSIONAL SERVICE AGREEMENTS

(A) This section shall apply to all agreements for professional services categorized or listed in §801 (B)(13) above entered into by the County Executive, the President Judge of the 31st Judicial District, the Board, or any independently elected official.

(B) Advance written notice to the Board of Commissioners is required for all professional service agreements categorized in §801 (B)(13). 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 be provided using Administrative Form #1 which 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. As part of the submission of Administrative Form #1, a copy of the proposed agreement shall also be provided, regardless of the value of the professional service agreement.

(C) Agreements for professional services which are valued at $25,000.00 or less shall not be entered into without giving fourteen (14) days advance written notice to the Board of Commissioners. The Board of Commissioners may, via motion, bar the County Executive from executing a professional service agreement under this section (C) when the Board of Commissioners determines the agreement not to be in the best interest of the County.

(D) The following contracts shall not be entered into without giving fourteen (14) days advance written 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 in excess of $25,000.00.

(2) The contract has not been bid in accordance with Section 803 of the Administrative Code and the value of the proposed contracts with a single vendor or contractor exceeds $25,000.00 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) 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 ninety (90) days. Such reasons shall be documented and filed with the Board and the Controller 24 hours prior to the execution of the proposed contract.

(F) 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.

(G) Contracts with renewal provisions may be renewed without approval from the Board so long as the terms and conditions remain the same, and any new required Federal, State or County language is included.

(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.

(6) Any proposed contract with Lehigh Valley Pretrial Services ("LVPTS") that includes language requiring LVPTS to provide to the Court of Common Pleas of Lehigh County ("Court") with an annual report, which the Court will provide to the Board and make available to the public, with any redactions required to comply with the Criminal History Record Information Act ("CHRIA") and, if applicable, other confidentiality provisions of state and federal law. If a proposed contract does not contain such language, that contract shall be subject to the requirements of Section 801.1.

(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.

(J) Agreements for professional services which are valued no greater than the maximum amount set forth in Section 803(A)(1) may be entered into by using the County's purchase order form in lieu of a standard contract when insurance coverages, final report and right-to-know language are not required

to be part of the terms of the agreement. Such agreements must still comply with all other applicable provisions of Section 801.1 (B)-(C).

Section 801.2 - REQUIRED CONDITIONS FOR ALL CONTRACTS

(A) Every contract shall specifically state that it is contingent upon the availability of appropriated funds from which payment can be made.

(B) The County of Lehigh shall not make contractual arrangements with a vendor who is delinquent on any taxes due the County until the taxes are paid in full. Delinquent shall herein be defined as the point when the taxes owed become the responsibility of the Tax Claim Bureau to collect.

(C) Every contract shall state that if the vendor becomes delinquent on taxes owed the County during the term of the agreement, vendor shall be in breach of the agreement and the County shall withhold vendor payments in lieu of taxes until taxes are paid in full.

(D) The Department of Administration shall issue written notice to the Board of Commissioners within 60 days of the end of the fiscal year if a vendor or lessee is found to be delinquent on any taxes due the County. As directed pursuant to contract language authorized by this Section, the County shall withhold payments until the taxes are paid in full.

(E) The County of Lehigh shall not make contractual arrangements with a vendor who is also a lessee of the County until the rent due the County is paid in full as provided for in the terms of the lease agreement.

(F) Every contract shall specifically state that the vendor agrees not to hire County personnel who may exercise discretion in the awarding, administration or continuance of that vendor's contract. The prohibition shall be in force for up to and including one year following the termination of the employee from County service. A vendor's failure to abide by this provision shall constitute a breach of the contract, and the agreement shall so state.

Section 801.3 – REQUIREMENTS FOR CONSTRUCTION CONTRACTS

(A) Every construction contract shall adhere to the "Required Conditions for all Contracts" outlined in Section 801.2.

(B) PURPOSE

(1) Lehigh County recognizes that there is a duty to ensure that all work

on public construction contracts is performed by responsible, qualified firms that maintain the capacity, expertise, personnel and other qualifications and resources necessary to successfully perform public contracts in a timely, reliable and cost – effective manner.

(2) To effectuate the purpose of selecting responsible contractors for theses public works contracts and to protect the County of Lehigh's investments in such contracts, prospective contractors and subcontractors, should be required to meet pre-established, clearly defined, minimum qualification standards regarding past project performance in terms of competency, safety, law compliance, technical abilities, and adequacy of resources.

(3) Further, due to the critical impact that skilled craft labor has on the execution of public works projects, and the increasingly limited availability of such labor, it is necessary to require contractors and subcontractors to participate in proven apprenticeship training programs as a condition of bidding and to help ensure future workforce development.

(4) Therefore, the County of Lehigh shall require compliance with the provisions of this section by business entities seeking to bid on construction projects for the County of Lehigh as specified herein. The requirements of this section are intended to supplement, not replace, existing contractor qualification and performance standards or criteria currently required by law, public policy or contracting documents. However, in the event that this section conflicts with any law, public policy or contracting documents of the County of Lehigh, the requirements of this section shall prevail.

(C) DEFINITIONS

(1) The term "construction project" as used in this section is defined as construction, reconstruction, demolition, alteration or repair work other than maintenance, performed under contract and paid for in whole or in part out of the funds of the County.

(2) The term "maintenance" as used in this section is defined as the repair of existing facilities when the size, type or extent of such facilities is not thereby changed or increased.

(D) RESPONSIBLE CONTRACTOR (RCO) REQUIREMENTS

(1) All contractors and subcontractors of any tier that perform work

valued at over $100,000.00 on a construction project shall meet the requirements in this section.

(2) All firms engaged in contracts covered by this section shall be qualified, responsible, contractors or subcontractors that have sufficient capabilities in all respects to successfully perform contracts on which they are engaged, including the necessary experience, equipment, technical skills and qualifications and organizational, financial and personnel resources. Firms bidding on public contracts shall also be required to have a satisfactory past performance record and a satisfactory record of compliance with applicable laws, integrity and business ethics.

(E) CONTRACTOR RESPONSIBILITY CERTIFICATIONS

(1) As a condition of performing work on a construction project subject to this section, a general contractor or other lead or prime contractor seeking award of a contract shall submit as a necessary part of their complete bid response a Contractor Responsibility Certification, a Subcontractor List, Subcontractor Responsibility Certifications and applicable supporting materials, including proof that the subcontractor participates in a Class A Apprenticeship Program and for any subcontractor that operates as a sole proprietorship applicable business records that verify any such firm is a legitimate business entity, not an employee improperly misclassified as a sub-contractor, as specified herein.

(2) The Contractor Responsibility Certification shall be completed on a form provided by the County and shall reference the project for which a bid is being submitted by name and contract or project number. The administration is tasked with creating forms consistent with this requirement.

(3) In the Contractor Responsibility Certification, the general contractor or other lead or prime contractor shall confirm the following facts regarding its past performance and work history and its current qualifications and performance capabilities:

(a) The firm and its employees have all licenses, registrations or certificates required by federal and state law and ordinances of the County of Lehigh with respect to the contract it seeks to self–perform.

(b) The firm meets the bonding requirements for the contract required by law or contract specifications, as well as applicable

insurance requirements for the contract, including general liability and workers compensation insurance.

(c) The firm has not been debarred or suspended by any federal, state or local government agency or authority in the past three years.

(d) The firm has not defaulted on any project in the past three years.

(e) The firm has not had any type of business, contracting or trade license, registration, or other certification related to the proposed project work content revoked or suspended in the past three years.

(f) The firm and its principals/owners have not been convicted of any crime relating to the construction contracting business in the past ten years.

(g) The firm does not currently owe any outstanding taxes, penalties, interest or other financial obligation to the County of Lehigh.

(h) The firm has not within the past three years been found in violation of any law applicable to its contracting business, including, but not limited to, license laws, tax laws, prompt payment laws, wage and hour laws, prevailing wage laws, environmental laws, or other laws where the result of such violation was the payment of a fine, back pay damages or any other type of penalty in the amount of $5,000.00 or more.

(i) The firm will pay all craft employees that it employs on the project the current wage rates and fringe benefits as required under applicable federal, state or local wage laws.

(j) The firm will employ a sufficient number of craft personnel required to successfully perform any project work it self-performs and shall assign workers to perform only work for which they have sufficient skills, training and knowledge.

(k) All craft labor that will be employed by the firm for the project have completed at least the OSHA ten (10) hour training course for safety established by the U.S. Department of Labor,

Occupational Safety & Health Administration.

(l) The firm participates in a Class A Apprenticeship Training Program, as defined below, for each separate trade or classification in which it or its subcontractors employ craft employees. This apprenticeship requirement assures that workers in each trade or craft employed are graduates of an apprenticeship and training program in each trade or craft in which their services are utilized and such apprenticeship and training program has been in continuous existence for no fewer than five (5) years prior to the commencement of the subject project.

(1) For purposes of this section, a Class A Apprenticeship Program is an apprenticeship program that is currently registered with and approved by the U.S. Department of Labor or a state apprenticeship agency and has graduated apprentices to journey person status for at least three of the past five (5) years. This may be an apprenticeship program that is subject to the Employees Retirement Income Security Act of 1974, 29 U.S.C. § 1001 et seq. ("ERISA"), or a non – ERISA program. In further judging, defining, and applying the terms used in this section, the definitions used in the Prevailing Wage Act and in the regulations promulgated pursuant thereto shall be considered and applied. 43 P.S. §165-2 and 34 Pa Code §9.102.

(2) To demonstrate compliance with this section, the firm shall provide, with this certification, a list of all trades or classifications of craft employees it will employ on the project and documentation verifying it participates in a Class A Apprenticeship Program or an equivalent training program for each trade or classification listed.

(m) The firm has all other technical qualifications and resources, including equipment, personnel and financial resources, to successfully perform the referenced contract.

(n) The firm shall notify the County within seven (7) days of any material change to any matter attested to in this certification.

(o) The firm understands that the Contractor Responsibility Certification required by this section shall be executed by a person who has sufficient knowledge to address all matters in the

certification and shall include an attestation stating, under the penalty of perjury, that the information submitted is true, complete and accurate.

(4) Execution of the Contractor Responsibility Certification required by this section shall not on its own establish a presumption of contractor responsibility and the County may require any additional information it deems necessary to evaluate a firm's status as a responsible contractor, including technical qualifications, financial capacity or other resources and performance capabilities. The County may require that such information be included in a separate Statement of Qualifications and Experience or as an attachment to the Contractor Responsibility Certification.

(5) If the submitting firm has ever operated under another name or is controlled by another company or business entity or in the past five (5) years controlled or was controlled by another company or business entity, whether as a parent company, subsidiary or in any other business relation, it shall attach a separate statement to its Contractor Responsibility Certification that explains in detail the nature of any such relationship. Additional information may be required from such an entity if the relationship in question could potentially impact contract performance.

(6) If a firm fails to provide a Contractor Responsibility Certification or a Subcontractor List and required subcontractor information as specified in §801.3(E)(1), it shall be disqualified from bidding. No action of any nature shall lie against the County because of its refusal to accept a bid for failing to provide information required by this section.

(F) NOTICE OF THE AWARD OF A CONTRACT

(1) After it has received bids for a project, the County shall issue an Award of Contract pursuant to § 805 of the Administrative Code subject to the conditions of this Code, especially §801.3(E)(1).

(2) Such Notice shall be issued immediately or as soon as practicable after bids are opened and shall stipulate that the contract award is conditioned on the issuance of a written Contractor Responsibility Determination for the firm as required by Section (H), infra, of this section, compliance with Subcontractor Certifications required by Section (G) of this section, and any other qualification standards required by the County of Lehigh.

(G) SUBCONTRACTOR RESPONSIBILITY REQUIREMENTS

(1) A prospective bidder shall not be permitted to use a subcontractor on any work performed for the County of Lehigh unless it has identified the subcontractor on its Subcontractor List and provided a Subcontractor Responsibility Certification in accordance with the requirements of this Subsection.

(2) At the time a prospective bidder submits the Subcontractor List it shall also submit to the County of Lehigh Subcontractor Responsibility Certifications for all listed subcontractors.

(3) Subcontractor Responsibility Certifications shall be executed by a person having sufficient knowledge to address all matters in the certification and shall include an attestation stating, under the penalty of perjury, that all information submitted is true, complete and accurate.

(4) A prospective bidder shall determine whether any subcontractor on its Subcontractor List is organized as a sole proprietorship owned and operated by a single person. It shall ensure that any such subcontractor is a legitimate business entity and not a misclassified employee by requiring the subcontractor to supplement its Subcontractor Certification with applicable business records verifying that it is an actual business entity. These records may include but are not to be limited to articles of incorporation, certificates of incorporation, certificates of insurance, contractor licenses and other typical business records used in the course of the subcontractors business.

(5) The prospective bidder shall submit a Subcontractor List, which provides the name and address of the subcontractors it will use on the project, the scope of work assigned to each subcontractor, and Subcontractor Responsibility Certifications as required by this section.

(6) Subcontractor Responsibility Certifications shall be executed by the respective subcontractors on forms prepared by the County of Lehigh and contain the same information, representations and supporting information required in Contractor Responsibility Certifications, including verification of apprenticeship qualifications required by Section 801.3(E)(3)(l) for each trade or classification of craft workers it will employ on the project.

(7) A subcontractor listed on a firm's Subcontractor List shall not be substituted unless written authorization is obtained from the County of Lehigh and a Subcontractor Responsibility Certification is provided for the substitute subcontractor.

(8) In the event that the County of Lehigh determines that a Subcontractor fails to meet the requirements of this section or is otherwise determined to be non-responsible, it may, after informing the prospective awardee, exercise one of the following options:

(a) Permit the awardee to substitute a qualified, responsible subcontractor in accordance with the requirements of this section, upon submission of a completed Subcontractor Certification for the substitute and approval of the substitute by the County of Lehigh.

(b) Require the awardee to self-perform the work in question if the firm has the required experience, licenses and other qualifications to perform the work in question; or

(c) Disqualify the prospective awardee.

(9) In the event a subcontractor is disqualified under this section, the general contractor or other lead or prime contractor shall not be permitted to make any type of claim against the County of Lehigh on the basis of a subcontractor disqualification.

(H) CONTRACTOR RESPONSIBILITY REVIEW AND DETERMINATION

(1) In reviewing bids for completeness and adherence to this section, the County of Lehigh shall undertake a contractor responsibility review process to determine whether the firm is a qualified, responsible firm in accordance with the requirements of this section and other applicable laws and regulations.

(2) The County may conduct any additional inquires to verify that the prospective awardee and its subcontractors have the technical qualifications and performance capabilities necessary to successfully perform the contract and that the firms have a sufficient record of law compliance and business integrity to justify the award of a public contract. In conducting such inquires, the County may seek relevant information from the firm, its prior clients or customers, its subcontractors or any other relevant source.

(3) If at the conclusion of the review process the County determines that all responsibility certifications have been properly completed and executed and if it concludes that the qualifications, background and responsibility of the prospective awardee and the firms on its Subcontractor List are satisfactory, it shall issue a formal written Contractor Responsibility Determination verifying that the prospective bidder is a

qualified, responsible contractor.

(4) In the event any bidder is determined to be non – responsive or non – responsible, the County may choose to award the contract to another responsive and responsible bidder or, if necessary, rebid the project.

(I) EXECUTION OF FINAL CONTRACT

(1) A contract subject to this section shall not be executed until all requirements of this section have been fulfilled.

(2) Prior to the execution of a final contract under this Section, the County shall publicly post the Notice of Award, Contractor and Subcontractor Responsibility Certifications, Subcontractor Lists and Contractor Responsibility Determinations on the County website for public inspection.

(J) WAIVER OF RCO REQUIREMENTS

The requirements listed in sections 801.3(D)-(G) may only be waived by resolution of the Board of Commissioners under the following conditions:

(1) No bids have been received for the project by the close of the bidding period;
(2) Bid materials are provided to the Board of Commissioners no later than fourteen (14) days prior to consideration of the waiver request;
(3) The waiver may only apply for the specific project;
(4) The resolution shall identify the basis for the waiver, which provisions of sections 801.3 (D)-(G) are to be waived and whether the project shall be re-bid.

(K) FALSE, INCOMPLETE OR MISLEADING RESPONSIBILITY CERTIFICATIONS

If the County determines that a Contractor Certification, Subcontractor List or Subcontractor Responsibility Certification contains false or misleading material information that was provided knowingly or with reckless disregard for the truth or omits material information knowingly or with reckless disregard of the truth, the firm for which the certification was submitted shall be disqualified from the project and prohibited from performing work for the County for a period of three years and shall be subject to any other penalties and sanctions, including contract termination, available to the County under law. A contract terminated under these circumstances shall further entitle the County to withhold payment of

any monies due to the firm as damages.

(L) LEHIGH VALLEY LABOR REQUIREMENTS

(1) Every contract over $25,000.00 pertaining to construction projects funded by the County of Lehigh shall specifically state that the developer/ contractor/subcontractor shall, in hiring, make every effort to employ persons residing within the Lehigh Valley, and in no event, shall less than eighty (80) percent of the labor force of the developer/contractor/ subcontractor on a County-funded project be residents of the Lehigh Valley. The Lehigh Valley is defined as Lehigh and Northampton Counties and all surrounding municipalities within ten (10) miles of said county borders in the Commonwealth of Pennsylvania.

(2) The requirement in Section 801.3 (L)(1) shall not apply to executives, engineers, technicians, supervisors, timekeepers, messengers, office workers, or employees above the classification of general foreman of the developer/ contractor/subcontractor, or to employees of a materials supplier.

(3) Every contract over $25,000.00 pertaining to construction projects funded by the County of Lehigh shall specifically state that the developer/contractors shall be obligated to make sure that subcontractors adhere to the requirements stated in Section 801.3(L)(1).

(4) The requirements stated in Sections 801.3 (L)(1-3) shall also apply to contracts pertaining to construction projects carried out by an authority and for which the County of Lehigh is a third party beneficiary.

(5) The local labor requirement stated in Section 801.3 (L)(1-3) can only be waived for a construction project or for a specific developer/construction manager/contractor/subcontractor by a resolution of the Board of Commissioners.

(a) A resolution to waive a construction project from the requirement would specify in detail why federal and/or state funding of the project does not permit the local labor requirement or show that no bids were submitted for the project. Bid materials will be made available to the Board of Commissioners if no bids were submitted.

(b) A resolution to waive a specific developer/construction manager/contractor/subcontractor from the requirement shall state

that the following procedure has been complied with:

(i) Notice shall be given by the developer/construction manager/contractor/subcontractor to the County of Lehigh upon the awarding of the contract that their specialty is unique.
(ii) The number of persons needed to perform the job shall be stated.

(iii) There must be a submission to justify that there are not a sufficient number of persons in the Lehigh Valley that have the knowledge and experience to perform the specialty.

(iv) The resolution shall specify the percentage of local labor that can be used.

(M) In the event that application of the requirements of this section would violate state or federal law, or would render the County of Lehigh ineligible for the receipt of funds from outside sources, the provisions of this section shall not control. Superseding state or federal law shall govern to the extent inconsistent herewith. Examples of such superseding law include:

(1) The Pennsylvania Prevailing Wage Act, 43 P.S. Section 165-1 et seq;

(2) The Pennsylvania Public Works Employment Verification Act, 43 P.S. Section 167.1 et seq.; and

(3) The Pennsylvania Antibid-Rigging Act, 62 Pa.C.S. Section 4501 et seq.

Section 801.4 - AUDITS

The County Controller shall audit this policy for compliance on an annual basis.

Section 801.5 – OPEN AND PUBLIC PROCESS REQUIRED FOR NON-BID CONTRACTS

This section shall apply to all contracts which are required to be approved by the Board of Commissioners pursuant to Section 801.1 of this Administrative Code. The intent of this section is to preclude businesses from participating in non-bid County contracts if controlling individuals in the business or their immediate family members have contributed over Two-Hundred Fifty Dollars ($250.00) to Candidates for County Elected Offices or Incumbents.

A. Definitions

1. Affiliate – a parent or subsidiary of a Business Entity
2. Business Entity – a domestic or foreign corporation for profit or not-for-profit, association, general or limited partnership, limited liability company or sole proprietorship.
3. Candidate – an individual as defined in the Pennsylvania Election Code, 25 P.S. §3241.
4. Consultant – any Person used by a Business Entity to assist in obtaining a Contract, through direct or indirect communication by such Person with a County Elected Official or employee, if the communication is undertaken by such Person with the expectation of receiving payment from the Business Entity for the assistance.
5. Contract – any professional services agreement which must be approved by the Board of Commissioners pursuant to Section 801.1 of this Administrative Code.
6. Contractor – any Person or Business Entity who currently has entered into a Contract which is subject to approval by the Board of Commissioners.
7. Contribution – as defined in the Pennsylvania Election Code, 25 P.S. §3241 and subject to the Attribution Rules in Section 801.5.D.
8. Controlling Shareholder - an individual who owns or controls greater than fifty percent (50%) of the shares of the Business Entity.
9. Elective County Office – the offices of County Executive, County Commissioner, District Attorney, Coroner, Controller, Clerk of Judicial Records and Sheriff.
10. Immediate Family – spouse or life partner and unemancipated children.
11. Incumbent – an individual who currently holds an Elective County Office.
12. Officer - an individual who serves as President, Vice President, Secretary, Treasurer, Chief Executive Officer, Chief Financial Officer, Chief Operating Officer or Executive Director of a Business Entity.
13. Person – an individual, partnership, association, corporation, limited liability corporation, joint venture or other legal entity.
14. Political Action Committee (PAC) – as defined in the Pennsylvania Election Code, 25 P.S. §3241.
15. Political Committee – as defined in the Pennsylvania Election Code, 25 P.S. §3241.

B. Required Disclosures

Any Business Entity which wishes to be eligible to enter into a Contract with Lehigh County must comply with the following conditions in addition to those contained elsewhere in this Administrative Code.

1. The Business Entity must disclose:

   a) the names, business addresses and phone numbers of all subcontractors which will be used on the contract;

   b) the names, business addresses and phone numbers of any Consultants used to assist in securing the contract, or a certification that no Consultants were used;

   c) any Contributions made to County Elected Officials or Candidates for Elective County Office by the proposed Contractor, the subcontractors to be used or the Consultants in the previous two (2) years or a certification that no such Contributions were made;

   d) the name and title of each County Elected Official or employee who, within two (2) years prior to the application or proposal for a Contract, asked the Business Entity or any Officer, director or controlling shareholder of the Business Entity to make a Contribution to a Candidate for Elective County Office, and any Contribution made in response to any such request, including the amount of the Contribution and the date made.

2. Provide copies of the forms required to be filed with the Pennsylvania Department of State regarding campaign contributions, as set forth in 25 P.S. §3260a for the previous two (2) years, or a certification that no forms were filed.

3. These disclosures must be made in writing on a campaign finance disclosure form provided by the County and submitted to the County prior to approval of the contract by the Board of Commissioners. Copies of the campaign finance disclosure form will be maintained with the Contract proposal, and then with the Fiscal Office when the Contract is fully executed. These campaign finance disclosure forms will be available for review by the public when the proposed contract is available. Failure to provide these disclosures will disqualify a Business Entity from entering into a contract with the County.

C. Contract Requirements

1. Eligibility – If a Business Entity has made Contributions in excess of Two-Hundred Fifty Dollars ($250.00) in the aggregate during a calendar year to a Candidate for nomination or election to any Elective County Office or to an Incumbent, then the Business Entity shall not be eligible to enter into any

Contract nor shall the Business Entity be eligible to be a sub-contractor of any such Contract for a period of two (2) years following the year of the Contribution(s).

2. During the term of the Contract, and as a specific provision of the Contract, the Contractor shall agree that Contributions will not be made which would render the Contractor ineligible to be considered for a Contract.

3. Ongoing Disclosures – The Contract shall require that the Contractor disclose any Contribution made by the Contractor, sub-contractor or Consultant to any Candidate for Elective County Office or to an Incumbent during the term of the Contract and for one (1) year thereafter. Such disclosures shall be made in writing on a campaign finance disclosure form provided by the County, and shall be delivered to the County, within (5) business days of the Contribution. This County disclosure form shall be delivered by the Contractor to the County contact person identified in the Contract, who shall forward copies to the Clerk to the Board of Commissioners and the County Fiscal Officer.

4. Breach of any of these Contract provisions will make the Contract voidable at the County's option, and shall make the Contractor liable for liquidated damages to the County in the amount of ten percent (10%) of the maximum payments to the Contractor permitted under the Contract, regardless of whether actually paid.

D. Attribution Rules

The following shall be considered Contributions made by a Business Entity for purposes of this section:

1. A Contribution made by an Officer, director, controlling partner or shareholder of a Business Entity and members of their immediate family, excluding unpaid Board members of a not-for-profit corporation.
2. A Contribution made by any parent, subsidiary or otherwise affiliated entity of the Business Entity.
3. A Contribution made by a PAC controlled by the Business Entity or its affiliates.
4. A Contribution by a PAC controlled by an Officer, director, controlling shareholder or partner of the Business Entity.
5. A Contribution to any political committee or PAC which, during the calendar year in which the contribution is made, itself makes contributions or gives financial support to a particular candidate or group of candidates for

nomination or election to any Elective County Office or to a particular incumbent, shall be considered a Contribution to such candidate or incumbent.

6. Any other Contribution made not directly to a candidate for nomination or election to any Elective County Office or Incumbent, but with the purpose and intent that the entity will, directly or indirectly, make such contribution such candidate or Incumbent, shall be considered a Contribution to such candidate or incumbent.
7. Any Contribution solicited by a Person shall be considered a Contribution by such Person, and if a Person sponsors or hosts a fundraising event, then any contributions raised at such event shall be considered to be contributions by such Person. Any Contribution solicited by an Officer, director, controlling shareholder or partner of a Business or affiliate shall be considered a Contribution by such Business, and if any Officer, director, controlling shareholder or partner of a Business or affiliate sponsors or hosts a fund-raising event, then any contributions raised at such event shall be considered to be contributions by such Business.
8. Any Contribution for which a Person is an intermediary shall be considered as a contribution by such Person, and any contribution for which an Officer, director, controlling shareholder or partner of a Business or affiliate (other than a not-for-profit Business or affiliate) is an intermediary shall be considered a contribution by such Business.

E. Audits

The Lehigh County Controller shall, on an annual basis, audit the campaign finance disclosure forms for all County Vendors to ensure the form is affixed to the contract and that the form is facially complete, and shall be authorized to perform any other audits he/she deems appropriate, as set forth in Section 801.4, including review of the disclosure forms required by Section 801.5.C.3, herein.

F. Notice

These requirements shall be posted on the County's website and shall be included in all Requests for Proposals as part of the County's standard terms and conditions.

G. Enforcement

Any individual may make a report concerning violations of this section to the County Solicitor. The County Solicitor is authorized to investigate any violations. All county employees shall fully cooperate with the investigation. The County Solicitor shall notify the Board of Commissioners and County

Executive of any reported violations at the time the report is made and shall report his/her findings to the Board of Commissioners and the County Executive.

H. Waiver

Any provisions of this section may be waived by motion of the Board of Commissioners if:

1. Compliance with this section may lead to the loss of federal, state or similar grant funds or would violate state or federal law;

2. No eligible Business Entities are available to perform the work after soliciting proposals through the Request for Proposals process in Section 804(c); or

3. Delay in the award of the contract would cause a material threat to public health or safety or material damage to the legal interests of the County. All other provisions of this section shall apply to such contracts except that the disclosures required need not be filed until fourteen (14) days after a contract is executed.

Section 801.6 - SELECTION OF BROKER OF RECORD FOR HEALTH INSURANCE

When the County Executive has selected a Producer or Broker of Record to represent the County with its employee health insurance administrator or provider, the Producer or Broker of Record must be approved via Resolution by the Board of Commissioners.

Section 801.7. EVALUATION, SELECTION AND APPROVAL OF AN EMPLOYEE AND RETIREE HEALTH CARE PLAN

(A) Definitions:

(1) "Administrator" - the entity with whom the County contracts to administer a Health Care Plan under which the Administrator pays health care claims with the County's funds.
(2) "Employee" - an individual currently employed by Lehigh County.
(3) "Health Care Plans" – the medical, prescription, dental and vision coverages provided to benefit-eligible employees and retirees, provided through one or more contracts. Excluded from this definition are life, disability and cancer insurances and stop-loss insurance.
(4) "Provider" - the entity with whom the County

contracts and to whom the County pays premiums for a Health Care Plan under which the Provider pays health care claims from the Provider's funds, often referred to as a premium-based plan.

(5) "Retiree" - a person in receipt of a retirement allowance under 16 P.S. §11652 et seq. who is eligible to receive health care benefits.

(B) In years when any of the existing Health Care Plan contracts will expire, the County on its own or through an agent such as a Broker of Record, shall issue a Request for Proposals from qualified entities to provide a Health Care Plan for the expiring coverage(s). The Request for Proposals shall specifically state that any entity wishing to submit a Proposal shall comply with the provisions of Section 801.5 of the Lehigh County Administrative Code, Open and Public Process Required for Non-Bid Contracts. Failure to submit the required disclosures as part of the Proposal will disqualify an entity from consideration. A summary of the Proposals shall be submitted to the County Executive and the Board of Commissioners no later than August 15. If the Request for Proposals is issued by an agent, then concurrent with the summary of the Proposals, the agent shall provide recommendations or rankings of the responses, including estimated costs for implementation and a summary of each Proposal's features, to the County Executive and the Board of Commissioners.

(1) The County Executive shall negotiate with the qualified entities to determine the Proposal which best suits the needs of the employees, retirees and the County.

(2) The County Executive shall submit the name of his or her selected entity for each of the expiring coverage(s) and the proposed structure for the Health Care Plan in writing to the Board of Commissioners by August 31.

(3) The Board of Commissioners shall approve or reject the selection of the County Executive by Resolution by September 14.

(4) If a Commissioner wishes to submit an alternate selection for consideration by the Board of Commissioners, the name of the entity and the plan structure shall be placed on the agenda in accordance with the Rules of the Board at the same meeting in which the County Executive's selection is scheduled for consideration and no later than September 14. Only those entities which responded to the Request for Proposals shall be eligible for submission to the Board of Commissioners by the County Executive and the Commissioners. Written notice of the alternate entity shall be provided to the County Executive no less than five (5) days prior to the meeting at which it will be considered.

(5) The County Executive's selection shall be presented for a vote first, and if the Resolution is adopted then the County Executive is authorized to enter into a contract with that entity.

(6) If the Resolution for the County Executive's selection is not adopted, the Board of Commissioners shall then consider the selection of any Commissioner presented by Resolution. If a Resolution for a Commissioner selection is adopted, the County Executive shall enter into a contract with the Board of Commissioner's selected entity.

(7) If no Resolution is adopted for a Commissioner's selection, then the County Executive may enter into a contract with the entity which he or she originally submitted. No other entities may be considered by the Board of Commissioners.

(C) In other years the County Executive may consider and recommend changes to the structure of the Health Care Plan or to the entity or entities acting as Administrator or Provider of the Health Care Plan, if the plan contract permits the County to seek such changes. Any such changes shall follow the procedure set forth above.

(D) Annual renewals specifically permitted under the terms of an existing contract with no changes are not required to follow the procedure set forth above.

(E) The selected entity will be required to comply with Section 801.5 of the Lehigh County Administrative Code through the duration of the contract term.

Section 801.8 – NON-DISCRIMINATION POLICY

(A) Purpose. To establish a non-discrimination policy, with responsibilities and procedures for the Contract Compliance Program, and to ensure that contractors and grantees understand their obligations regarding compliance with applicable County, State and Federal anti-discrimination laws and policies.

(B) Scope. This Policy applies to all County departments, offices, bureaus, committees, boards, commissions, agencies and elected officials.

(C) Definitions.
The following words and phrases when used in this section shall have, unless the context clearly indicates otherwise, the meaning given to them in this section:

(1) Contract. A type of written agreement, regardless of what it may be called, for the procurement or disposal of supplies, services, or construction or the lease of real estate.

(2) Contract Compliance Program. A program designed to ensure that County contracting and grant funding is non-discriminatory in intent and effect.

(3) Contractor. Any person that enters into a contract or lease with the County.

(4) Employee. An individual drawing a salary, wages, stipend, honorarium or earning a commission from a Contractor or Grantee.

(5) Gender identity or expression. Means the gender-related identity, appearance, mannerisms, expression or other gender-related characteristics of an individual regardless of the individual's designated sex at birth.

(6) Grant. A commitment of funds, or other aid of value, and programmatic authority made by the County while serving as the grantor to an outside entity (e.g., local government, school district, individual, nonprofit organization, or service provider) for the purpose of carrying out public policy and/or implementing program service delivery. A grant differs most importantly from other County procurements in that the County does not receive specific goods or services.

(7) Grant Agreement. A legally binding agreement between the County and Grantee which delineates all terms and conditions of a particular grant.

(8) Grantee. The entity that contracts with the County to receive grant funding to implement the grant purpose.

(9) Sexual orientation. Means heterosexuality, homosexuality or bisexuality.

(D) Policy and Procedures.

(1) Lehigh County Department Heads and Elected Officials shall ensure that County contracts and grants are non-discriminatory in three aspects:

(a) Non-discrimination in the County's award of contracts and grants.

(b) Non-discrimination by those who are awarded County contracts and grants in the hiring and treatment of their employees.

(c) Non-discrimination by those who are awarded County contracts and grants in their award of subcontracts and supply contracts for performance under Lehigh County contracts and grants.

(2) Department Heads and Elected Officials shall ensure that the County's commitment to the Contract Compliance Program is clearly understood and appropriately furthered by all County employees to support greater diversity, inclusion, and fairness in the contract and grant process.

(3) Every County contract and grant agreement shall contain a non-discrimination clause barring discrimination in employment by the Contractor or Grantee on the basis of race, color, religion, gender, national origin, age, political affiliation, sexual orientation, gender identity or expression, or disability.

(4) Each Department Head and Elected Official shall ensure all contract awards and grant agreements include the applicable non-discrimination clause.

(5) If a Contractor or Grantee is found in noncompliance with the non-discrimination provisions of their contract or grant agreement, the Department Head or Elected Official responsible for administering the contract or grant agreement should pursue any remedies available under the contract or grant agreement.

(6) Reports of alleged noncompliance may be made to the County Executive or the Department of Law.

Section 802 - USER AGENCY RESPONSIBILITY

The department directors and/or elected officials, herewith to include the members of the Board, shall have the authority and responsibility to:

(A) Formulate specifications for all purchases that are clear, concise and descriptive of all the requirements of the intended purchase. The department directors and elected officials shall not draft specifications that are restrictive and shall only request materials, supplies, equipment and services that meet their minimum requirements. Brand names and/or single vendors shall not be specified except as provided in Section 803 of this Code. Written descriptions of the intended use of an item or service are required.

(B) Place all requests for purchases on the standard requisition form as required by the Chief Procurement Officer and attach supporting information as required.

(C) Receive and examine all items of supplies, equipment and materials to ascertain compliance with specifications on the Purchase Order. Check to be sure that merchandise has been delivered in good condition and that all items are included.

(D) Affix signature and date on receiving copy of Purchase Order noting any variations to the original order and/or indicating completion of the order.

(E) If there is a lack of agreement between the Chief Procurement Officer and the department director or elected official, herewith to include the members of the Board, concerning any Specifications, the County Executive, or his/her designee, shall resolve the differences.

Section 803 - COMPETITIVE MONETARY LIMITS

(A) The Chief Procurement Officer shall purchase or contract for all materials, supplies, equipment and contractual services according to the following monetary limits:

(1) $0.00 - $5,400.00 - Solicitation is optional and at the discretion of the Chief Procurement Officer.

(2) $5,400.01 - $13,500.00 - Solicitation is either telephonic or written and three qualified and responsible vendors are required as a minimum unless a reasonable effort fails to obtain a minimum.

(3) $13,500.01 - $34,000.00 - Written quotations are required and four qualified and responsible vendors are required as a minimum unless a reasonable effort fails to obtain the minimum.

(4) $34,000.01 and over – Advertising and formal competitive bidding or solicitation of proposals is required.

(B) Adjustments to the base amounts specified under subsection 803(A) above shall be made as follows:

(1) The Office of Procurement shall determine the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States

Department of Labor, Bureau of Labor Statistics, for the 12-month period ending September 30, 2021, and for each successive 12-month period thereafter.

(2) If there is no positive percentage change, then no adjustment to the base amounts shall occur for the relevant time period provided for in this subsection.

(3) If there is a positive percentage change in the first year that the determination is made under paragraph (1):

(a) The positive percentage change shall be multiplied by each base amount, and the products shall be added to the base amounts respectively, and the sums shall be preliminary adjusted amounts.

(b) The preliminary adjusted amounts shall be rounded to the nearest $100 to determine the final adjusted base amounts for purposes of this subsection.

(4) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary adjusted amounts, and the products shall be added to the preliminary adjusted amount of the prior year to calculate the preliminary adjusted amounts for the current year. The sums thereof shall be rounded to the nearest $100 to determine the new final adjusted base amounts for purposes of this subsection.

(5) The determinations and adjustments required under this subsection shall be made in the period between October 1 and November 15 of the year following the effective date of this subsection and annually between October 1 and November 15 of each year thereafter.

(6) The final adjusted base amounts and new final adjusted base amounts obtained under paragraphs (3) and (4) shall become effective January 1 for the calendar year following the year in which the determination required under paragraph (1) is made.

(7) The Office of Procurement shall publish in the Procurement area of the County website prior to January 1 of each calendar year the annual percentage change determined under paragraph (1) and the unadjusted or final adjusted base amounts determined under paragraphs (3) and (4) at which competitive bidding is required for the calendar year beginning the

first day of January after publication of the notice. The notice shall include a written explanation of the calculations performed in establishing the unadjusted or final adjusted base amounts under this subsection for the ensuing calendar year.

(C) The above monetary limits shall apply to the purchase of individual or like items.

(D) Each solicitation shall be noted, filed and available for public inspection.

(E) Exceptions to the listed competitive solicitation procedures are:

(1) Any items purchased through Federal or State programs that have different bidding requirements mandated by the grant programs, or that permit other purchasing procedures such as intergovernmental relations provided in Chapter 19 of Act 57 of 1998, or items purchased under the provisions of a Federal General Services Administration or Commonwealth contract.

(2) The purchase of materials and equipment from charitable, non-profit making agencies for the blind or handicapped if the quality is satisfactory.

(3) Supplies and materials made by inmates of the Pennsylvania Bureau of Corrections institutions if the quality is satisfactory.

(4) Purchases where particular types, models, or pieces of new equipment, articles, apparatus, appliances, vehicles, or parts thereof, are required by department directors and/or elected officials which are patented and manufactured or copyrighted products. Such purchases shall be made, where appropriate, pursuant to Section 804(D), Sole Source Procurement.

(5) Purchases made for improvements, repairs, and maintenance of any kind, made or provided by the County through its own employees.

(6) Contracts or purchases involving any policies of insurance or surety company bonds, those made for public utility service and electricity, natural gas or telecommunications services, provided that, in the case of utilities not under tariff with the Pennsylvania Public Utility Commission, contracts made without advertising and bidding shall be made only after receiving written or telephonic price quotations.

(7) Contracts or purchases made with any public body, including, but not limited to, the sale, lease or loan of any supplies or materials to the County by a public body, provided that the price thereof shall not be in excess of that fixed by the public body. As used in this paragraph, "public body" shall mean any of the following:

(a) the Federal Government;

(b) the Commonwealth of Pennsylvania;

(c) any other state;

(d) a political subdivision, local or municipal authority or other similar local entity of the Commonwealth or any other state; or

(e) an agency of the Federal Government, the Commonwealth or any other state.

(8) All change orders or additions increasing the total contract cost, as bid, of a project including construction, alteration, maintenance, repair or an improvement of or to a structure or other improvements to, access or upon land or water, shall be exempt from the Competitive Bidding provisions of this Code or other applicable law. However, when the total cost of a single project contract shall exceed five hundred thousand dollars ($500,000.00), change orders or additions to the contract increasing the total cost shall be approved by a majority of the Board of Commissioners, by motion, when one of the following conditions is met:

(a) A change order shall individually exceed one hundred fifty thousand dollars ($150,000.00).

(b) The total aggregate of all change orders on a project exceeds 10% of the total contract cost, or bid. No such change orders or additions shall be required to be "re-bid" or to be considered as a separate construction contract. However, the County Executive, or his/her designee, may elect to "re-bid" any or all change orders or additions.

(9) Purchases exclusively involving construction management services, providing the contract is issued in accordance with the procedures outlined in Section 801.1.

(10) Purchases involving computer software development, provided the contract is issued in accordance with the procedures outlined in Section 801.1.

(11) Equipment maintenance contracts with either the manufacturer, or authorized distributor, of the purchased equipment.

(12) Software maintenance and support and software license renewal contracts with either the manufacturer, or authorized distributor, of the purchased software or equipment which uses the software to function.

(13) Alternate competitive bidding procedures may be used in conjunction with cooperative purchasing organizations of which Lehigh County is a member.

(14) Purchases using grant funds shall follow the defined rules of the grant. Requesting Office shall provide the applicable grant rules to the Procurement Office.

(F) Notwithstanding the provisions of this section, the County Executive, or his/her designee, shall have the authority to enter into contracts for equipment and services related to technology and information systems on the basis of best value procurement. Contracts under best value procurement shall be made only after the County has solicited proposals based on performance and outcome specifications developed by the County and describing at a minimum the objectives to be met by the system, the tasks to be performed by the system, the users of the system, system security issues, the time frame for system implementation, potential operating technologies, compatibility with existing systems, training and maintenance and shall indicate the process by which the contract shall be awarded. Best value procurement shall not require a sealed bid process and shall permit the County Executive, or his/her designee, to negotiate the terms of the agreement with any responsive and responsible vendor. The Board of Commissioners shall receive written notification of any contract which is awarded pursuant to this section. The written notification shall be provided within (7) days of the execution of the contract, and shall detail the due diligence process used to select and negotiate the terms of the agreement with a responsive and responsible vendor.

(G) The Chief Procurement Officer is authorized to approve purchases of products made from recycled material that are equivalent or superior in performance and the cost is equal to or does not exceed by 10% the cost of like products made from wholly virgin material.

Section 804 - METHODS OF SOURCE SELECTION

(A) The following methods of source selection will be available for contracts awarded through the Procurement Office.

(1) Competitive Sealed Bidding

(2) Competitive Sealed Proposals

(3) Sole Source Procurement

(4) Emergency Procurement

(B) Competitive Sealed Bidding Procedures

(1) For any purchase where formal advertised bidding is required. A public notice shall be placed requesting sealed bids. The notice shall include:

(a) A brief general description of the article and/or service.

(b) Where bidding documents and specifications can be obtained.

(c) When (time and place) bid will be publicly opened and read.

(2) The advertisement may be in the form of a newspaper notice, Internet web page posting, or any other generally acceptable form of public advertising. The notice shall be placed a minimum of two (2) times at least ten (10) days prior to the bid openings.

(3) Bids shall be enclosed in a sealed envelope marked with the bidder's name, the bid number and the bid name.

(4) The advertisement shall be posted on the bulletin board in the Procurement Office.

(5) Bids shall be submitted to the Controller and shall remain sealed until the advertised opening date.

(6) Bids shall publicly be opened at the specified time and date by the Controller or his/her designee. The Chief Procurement Officer or his/her designee shall be present at the bid openings.

(7) Correction of minor errors in bid submissions that can be corrected without prejudice to other bidders shall be permitted after bid opening. The Chief Procurement Officer or his/her designee shall notify any bidder whose submission contains such an error and the bidder shall have three (3) business days following notification to correct the error. Minor errors include, but are not limited to, missing, incorrect, or unoriginal signatures/initials, missing or incorrect supporting documentation, exhibits, or samples, and failure to fill-in a blank on a form. After bid opening, no changes in bid prices or other provisions prejudicial to the interest of the County or fair competition shall be permitted.

(8) A tabulation of all bids received shall be posted on the County Internet website and made available for review upon request. Afterwards, the tabulation shall be filed.

(9) Contracts shall be awarded to the lowest responsive and responsible bidder satisfying the minimum requirements of the specification. The Chief Procurement Officer is authorized to award purchase of products made from recycled material that are equivalent or superior in performance and the cost is equal to or does not exceed by 10% the cost of like products made from wholly virgin material.

(10) The County Executive, or his/her designee, may reserve the right to accept or reject any or all bids to serve the County's best interest.

(11) The County Executive, or his/her designee, reserves the right to change quantities specified within a reasonable limit.

(12) The County Executive, or his/her designee, may disqualify any vendor or vendors who discriminates in the hiring or employment process.

(13) Bids from vendors who are known by the Chief Procurement Officer to be in default on payments of taxes due the County shall be rejected.

(14) The withdrawal of bids shall be governed by applicable state law, specifically Act 4 of 1974, as amended, 73 P.S. 1601 et seq.

(15) At the discretion of the Chief Procurement Officer, the Procurement Office may charge a nominal nonrefundable fee for those formal public bids that generally attract a high volume of interest. This fee would be charged to offset administrative costs in the preparation and dissemination of the bid documents.

(16) In the absence of the receipt of any formally solicited sealed bids, informal bid(s) or quotation(s) shall be obtained, using the applicable specifications, after which the County Executive, or his/her designee, shall be authorized to award a contract to the lowest responsible and responsive bidder, in the best interests of the County.

(C) Competitive Sealed Proposals Procedures

(1) Used when the County Executive, or his/her designee, determines in writing that the relative importance of price and other evaluation factors should be weighed and the quality of competing products should be compared and trade-offs made between price, quality, services, support and other criteria detailed in the specifications.

(2) The same procedures as described in Sections 804(B)(1) through (7) for Competitive Sealed Bidding shall apply to Competitive Sealed Proposals.

(3) A tabulation of all firms submitting proposals shall be posted on the County Internet website and made available for review upon request. Pricing shall be added to the tabulation immediately after contract award. Afterwards, the tabulation shall be filed.

(4) The Request for Proposals (RFP) shall indicate the relative importance of price and other evaluation factors such as qualifications, experience, creativity of solutions, technological issues, location of resources, etc. The Procurement and Requesting Offices shall jointly determine the evaluation factors.

(5) Written or oral discussions may be conducted with some or all responsible offerors who submit proposals determined in writing to be reasonably susceptible of being selected for award. Discussions shall not disclose any information derived from proposals submitted by competing offerors. Discussions need not be conducted:

(a) With respect to prices, where such prices are fixed by law or regulation, except that consideration shall be given to competitive terms and conditions;

(b) Where time and delivery or performance will not permit discussions; or

(c) Where it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experiences with that particular supply, service, or item, that acceptance of an initial offer without discussion would result in fair and reasonable prices, and the RFP notifies all offerors of the possibility that award may be made on the basis of the initial offers.

(6) Contracts shall be awarded to the responsible firm whose proposal is determined in writing to be the most advantageous to the County, taking into consideration price and the evaluation factors set forth in the RFP. The Chief Procurement Officer and representatives from the Requesting Office (the Evaluation Team) shall evaluate the proposals and document the selection process.

(7) The County Executive, or his/her designee, may reserve the right to accept or reject any or all proposals to serve the County's best interest.

(8) The County Executive, or his/her designee, reserves the right to change quantities specified within a reasonable limit.

(9) The County Executive, or his/her designee, may disqualify any vendor or vendors who discriminates in the hiring or employment process.

(10) Proposals from vendors who are known by the Chief Procurement Officer to be in default on payments of taxes due the County shall be rejected.

(11) The withdrawal of proposals shall be governed by applicable state law, specifically Act 4 of 1974, as amended, 73 P.S. 1601 et seq.

(12) At the discretion of the Chief Procurement Officer, the Procurement Office may charge a nominal nonrefundable fee for those formal public RFP's that generally attract a high volume of interest. This fee would be charged to offset administrative costs in the preparation and dissemination of the proposal documents.

(D) Sole Source Procurement

(1) A contract may be awarded without competition for a required or designated supply, service or construction item to a sole supplier when the County Executive, or his/her designee, determines that one of the following conditions exists:

(a) Only a single contractor is capable of providing the supply or service.

(b) A Federal or State statute, Federal regulation, County ordinance, or other law exempts the supply, service or construction from the competitive procedure.

(c) The total cost of the supply, service or construction is less than the amount established by the County for small, no-bid procurements (see Section 803(E)(4)).

(d) It is clearly not feasible to award the contract for supplies or services on a competitive basis.

(e) The services are to be provided by attorneys or litigation consultants selected by the Office of the District Attorney, the Public Defender, the Controller or the County Solicitor.

(f) The services are to be provided by expert witnesses.

(g) The services involve the repair, modification, or calibration of equipment and they are to be performed by the manufacturer of the equipment or by the manufacturer's authorized dealer, provided the Chief Procurement Officer determines that bidding is not appropriate under the circumstances.

(h) The contract is for investment advisors or managers selected by the Lehigh County Employees' Retirement Board.

(i) The contract is for financial or investment experts to be used and selected by the Director of Administration.

(2) Prior to contract award, the Requesting Office shall provide a written justification stating the specific reasons for using Sole Source Procurement. The appropriate department director and/or elected official shall approve this justification in writing (see Section 803(D)(4)).

(E) Emergency Procurement

See Section 809 – "EMERGENCY PROCEDURES".

Section 805 - AWARD OF CONTRACTS

(A) The Chief Procurement Officer shall award all contracts up to the limits set forth in Section 803(A)(3).

(B) The County Executive, or his/her designee, shall award all contracts in excess of the limits set forth in Section 803(A)(3).

(C) Contracts shall be awarded to the lowest responsible and responsive bidder within sixty (60) days of the date of bid opening or all bids shall be rejected except as otherwise provided in this paragraph. If the award is delayed by a required approval of another government agency, the sale of bonds, or the award of a grant or grants, the County shall reject all bids or award the contract to the lowest responsible and responsive bidder within one hundred twenty (120) days of the date of the bid opening. Thirty (30) day extensions of the date for the award may be made by the mutual written consent of the County and the lowest responsible and responsive bidder.

(D) If any provision of this section conflicts with an applicable federal or state statute or regulation or with conditions attached to the receipt of federal or state aid this section shall not operate to prevent receipt of the federal or state aid in accordance with any applicable federal or state statute or regulation.

Section 806 - BONDING AND BID SECURITY

(A) Bid Security:

(1) Bids pursuant to Section 804(B) for Construction Projects must be accompanied by a certified check, bank cashier's check, or irrevocable letter of credit in the amount of five (5%) of the bid drawn upon a bank authorized to do business in this Commonwealth or by a bond with corporate surety authorized to do business with this Commonwealth in the amount of five (5%) of the bid. The Chief Procurement Officer may require that any other bids submitted pursuant to Section 804(B), Competitive Sealed Bidding Procedures, be accompanied by a certified check, bank cashier's check, or irrevocable letter of credit in a reasonable amount drawn upon a bank authorized to do business in this Commonwealth or by a bond with corporate surety authorized to do business in this Commonwealth in a reasonable amount. Whenever it is required that a bid be accompanied by a certified check, bank cashier's check, irrevocable letter of credit, or bond, no bid shall be considered unless so accompanied. In the event any bidder shall, upon award of the contract to it, fail to comply with the requirements hereinafter stated as to security guaranteeing the performance of the contract, the security

furnished under this subsection shall be forfeited to the County as liquidated damages. The County may elect to re-advertise for bids, or if time is critical, select the next lowest responsible and responsive bidder.

(2) Except as provided in paragraph C below, in the event any bidder who received an award fails to execute a contract or accept a Purchase Order within stated time limits and/or fails to comply with the requirements stated herein, the County shall retain the certified check, bank cashier's check, irrevocable letter of credit or bond as liquidated damages. The County may elect to re-advertise for bids, or, if time is critical, select the next lowest responsible and responsive bidder.

(B) Performance Security:

Except as provided in paragraph C below, the successful bidder on projects involving the use of labor and materials shall furnish a bond with approved surety, or irrevocable letter of credit, or other previously approved form of security, in the amount of 50% of the bid, guaranteeing performance of the contract and a bond guaranteeing the labor and materials. If a bond with surety is used, said surety, at a minimum, must be authorized to do business in this Commonwealth and duly licensed by the Insurance Commission of the Commonwealth. Security shall be provided within thirty (30) days after the contract has been awarded, or prior to commencement of the work, whichever shall first occur. Upon failure to furnish such security within the time fixed, the previous awards shall be void. The County may elect to re-advertise for bids, or if time is critical, select the next lowest responsible and responsive bidder.

(C) Bonds and Financial Security Required from Prime Contractors:

Before any contract exceeding ten thousand dollars ($10,000.00) for the construction, reconstruction, alteration or repair of any public building or other public work or public improvement, including highway work, of the County is awarded to any prime contractor, such contractor shall comply with the provisions of the Public Works Contractors Bond Law of 1967, 8 P.S. §191, et seq., with regard to bonds and financial securities. This provision is not waivable.

Section 807 - SALE OF PERSONAL AND REAL COUNTY PROPERTY

(A) All County property to be sold shall be sold at electronic, Internet-based or public auction or by advertised sealed bids as hereinafter provided. Real property may be exempted from the aforesaid provision by Ordinance which will

set forth the alternate provisions to be followed in the sale of that specific piece of real property.

(B) Advertisements detailing what is to be sold and by which method shall be made by: (1) placement in at least one (1) newspaper of general circulation in the County; (2) posting on an Internet web page; (3) or any other generally accepted form of public advertising. Such advertisement shall request bids for the sale of real or personal County property or designate the time and place of the public auction.

(C) Said advertisements must be placed as required in Section 807(B) a minimum of two (2) times at least ten (10) days prior to the bid opening.

(D) If bidding is utilized, bids shall be enclosed in a sealed envelope marked with the bidder's name, the bid number and the bid name.

(E) The advertisement shall be posted on the bulletin board in the Procurement Office.

(F) Bids shall be submitted to the Controller and shall remain sealed until the advertised opening date.

(G) Bids shall be publicly opened at the specified time and date by the Controller or his/her designee. The Chief Procurement Officer or his/her designee shall also be present at the bid openings.

(H) The property shall be awarded to the highest bidder if the bid equals a satisfactory minimum in the opinion of the County Executive, or his/her designee.

(I) If personal property is not sold after a reasonable effort to sell it, the property may be condemned by order of the County Executive, or his/her designee, and destroyed.

(J) Notwithstanding any provision above, any real property deeded to the County of Lehigh as the result of any Judicial Tax Sale shall be sold pursuant to the court proceedings outlined in Section 612.1 of the Real Estate Tax Sale Law, 72 P.S. §5860.612.1, except that the required notice of hearing and sale shall be given to (a) the owner of the property at the time of the Judicial Tax Sale, (b) any taxing districts interested in the property, (c) the Tax Claim Bureau of Lehigh County, (d) prospective purchasers who have presented to the Tax Claim Bureau a written offer to purchase said property and (e) the Board of Commissioners of Lehigh County.

Section 808 - PURCHASE OF REAL PROPERTY

Any purchase of real property shall be approved by a majority vote of the Board of Commissioners upon recommendation by the County Executive.

Section 808.1 - LEASE OF REAL PROPERTY FOR COUNTY PURPOSES

(A) When the County Executive has a need to lease property of other parties for County purposes, the Chief Procurement Officer shall: (1) place an advertisement in at least one newspaper of general circulation in the County; (2) post on an Internet web page; or (3) any other generally accepted form of public advertising for three (3) days stating that the County is requesting proposals from prospective lessors and any specifications therefore. The advertisement and the specifications shall state whether the County intends to accept the lowest, responsible proposal or whether the County retains the discretion to accept another proposal or to negotiate terms, other than price, of any proposal once all proposals have been received and reviewed.

(B) Copies of said advertisement shall be posted on the bulletin board in the Procurement Office and shall be submitted to the Board of Commissioners at least fourteen (14) days prior to publication.

(C) A list of the names of corporate and natural person property owners who have submitted proposals and the complete addresses and locations of the properties proposed, as well as the proposals themselves, shall be available for public inspection in the following manner: by 4:00 p.m. of the business day following the day in which the proposals are opened, a list of said proposals, including the property location, property owner, square footage and cost per square foot, parking costs, if applicable, renovation expenses, if applicable, and a good faith estimate of annual utility costs, shall be posted for public inspection on the Procurement Office bulletin board, and submitted to the Clerk of the Board of Commissioners to be posted on the Commissioners' bulletin board. All proposals shall be made available upon request of a citizen or public official, and should be kept in the Procurement Office.

(D) If the advertisement and specifications state the County shall accept the lowest responsible proposal, the County Executive, or his/her designee, shall deem that the proposal from the person offering the lowest, responsible and responsive proposal is in the best interests of the County, and the County Executive, or his/her designee, shall accept said proposal and execute a lease for the County.

(E) If the advertisement and specifications state the County retains discretion or the right to negotiate, and if after considering all proposals the County Executive, or his/her designee, determines that a proposal from a person other than the person offering the lowest responsible and responsive proposal is in the best interests of the County or if, after negotiation, the County Executive, or his/her designee, obtains a proposal which he or she believes is better than the lowest, responsible and responsive proposal, then, at least fourteen (14) days prior to the execution of the lease, the County Executive, or his/her designee, shall file with the Board the reason(s) why such proposal shall be accepted. The term "lowest" proposal shall mean the proposal with the lowest overall cost after consideration of the factors enumerated in paragraph (C) above. The term "responsible" proposal shall exclude all proposals from an entity who is delinquent, as that term is defined in §801.2 (B) of the Administrative Code of Lehigh County, in the payment of any tax or other obligation due to the County.

(F) All leases shall require at least fourteen (14) days advance written notice to the Board prior to execution by the County Executive. Notice shall include the location and identity of the subject property as well as any and all other provisions agreed upon.

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

(H) All leases are subject to §801.2 of the Administrative Code-REQUIRED CONDITIONS FOR ALL CONTRACTS.

Section 809 - EMERGENCY PROCEDURES

These purchasing procedures shall be deemed suspended when:

(A) The County Executive has declared a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting the life, health, or safety of inhabitants of the County require immediate action which cannot wait for competitive bidding.

(B) By resolution adopted by a vote of at least two-thirds (2/3) of the Board who are present, the Commissioners have determined it to be impractical to advertise for such bids.

(C) Through some accident or other unforeseen circumstances, the heating, air conditioning, ventilating, lighting, plumbing system, machinery, equipment or other apparatus of any public buildings of the County shall become disabled or any such buildings or parts thereof shall become untenable by reason of sudden action of the elements or for some cause due to explosion or fire or from generally unforeseen events creating an emergency and the administrative head of such buildings shall inform the County Executive, or his/her designee, and the Board of Commissioners, in writing, of such emergency and the necessity of immediate repair of the defect or defects prior to proceeding with such repairs.

(D) The County Executive and the head of the relevant department concur that an unsteady supply chain or labor market make competitive bidding for supplies, services, and/or equipment that is critical to the operation of the department impracticable. The County Executive and the relevant department head shall jointly inform the Board of Commissioners, in writing, of the critical nature of the need and the details of its necessity prior to proceeding with the procurement of such supplies, services, and/or equipment. The waiver of competitive bidding shall be approved by a motion of the Board of Commissioners. Notwithstanding the foregoing, this subsection 809(D) shall be utilized solely for the purchase of supplies, services, and/or equipment and shall not apply to construction projects, as defined in Section 801.3(C)(1).

Section 810 - NON-AUTHORIZED PERSONS WHO CONTRACT FOR SUPPLIES OR SERVICE

No elected or appointed official or employee of the County shall purchase materials, supplies, equipment or contractual services, by any means that circumvents these purchasing procedures. Any such purchase shall not be binding upon the County, and the individual official or employee shall be personally responsible for such a transaction.

Section 811 - LEASE OF PROPERTY

Any lease of personal or real property of the County shall adhere to the following requirements:

(A) The Board by resolution shall approve offering any County property for lease and shall determine whether the property shall be offered for lease to a private person, to a municipality or to a public agency before it shall be offered for lease.

(B) If the Board resolution states that the property should be leased to a private person, "person" being defined as it is in Section 1009 (n) of the Charter, the County Executive shall adhere to the following bid procedure:

(1) Advertisements detailing what is to be leased shall be made by: (1) placement in at least one (1) newspaper of general circulation in the County; (2) posting on an Internet web page; (3) or any other generally accepted form of public advertising requesting bids for the lease of the County Property.

(2) Said advertisements must be placed as required in Section 811(B)(1) once at least twenty (20) days prior to the bid opening and once at least ten (10) days prior to the bid opening.

(3) Bids shall be enclosed in a sealed envelope marked with the bidder's name, the bid number and the bid name.

(4) Copies of the advertisement shall be posted on the bulletin board in the Procurement Office.

(5) Bids shall be submitted to the Controller and shall remain sealed until the advertised opening date.

(6) Bids shall be publicly opened at the specified time and date by the Controller or his/her designee. The Chief Procurement Officer or his/her designee shall also be present at the bid opening.

(7) The lease shall be granted to the highest responsible and responsive bidder if the bid equals a satisfactory minimum in the opinion of the County Executive.

(C) In cases of proposed leases with non-profit corporations, associations or other such entities or groups of individuals, or with persons in situations where it is demonstrated that the best interests of the County so indicate, the Board in its authorizing resolution may provide for any other leasing procedure besides the bid procedure herein required.

(D) If the Board resolution states that the property should be leased to a municipality (including any City, Borough, Township or Home Rule Charter Municipality in Lehigh County), then the aforesaid authorizing Resolution shall also outline the procedures to be followed by the County Executive in obtaining a proposed lease for presentation to the Board in a particular situation.

(E) If the Board resolution states that the property should be leased to an authority, board, commission or public body, then the aforesaid authorizing resolution shall also outline the procedures to be followed by the County Executive in obtaining a proposed lease for presentation to the Board in the particular situation.

(F) If the County receives no satisfactory bids when it attempts to lease property through any bidding process, then the Board shall indicate by resolution the appropriate method for obtaining a proposed lease for the property by the County Executive, or his/her designee.

(G) All lease agreements shall be subject to approval through the Ordinance process.

(H) Leases of certain types of property shall be exempt from the requirements of this Ordinance:

(1) Any units of Cedar View Apartments, Office of Housing Services, Department of Human Services, leasing of which shall also be exempt from receiving approval by Ordinance of the County. Said apartment units shall be leased pursuant to the requirements stated in the document marked "Cedar View Apartments Admission and Continued Occupancy Guidelines", attached hereto and made a part hereof by this reference.

(2) Motor Vehicles: used herein as said term is defined in 1 Pa. C.S.A. §1991, leased to non-profit corporations, associations or other such entities or groups of individuals. Further, such leasing of motor vehicles shall also be exempt from receiving approval by Ordinance of the County. The County Executive, or his/her designee, shall annually file with the Board a report listing all motor vehicles leased hereunder, the lessees thereof and the essential purposes of the lease.

(3) Any residential dwelling when the Director of the Department of General Services recommends a County employee for purposes of control, security, safety and responsible maintenance as lessee of same. However, such leasing shall be subject to approval by Ordinance of the County. Such leases shall contain a provision or provisions whereby the lessee substantially agrees to report any observed conduct or events which are unusual or suspicious occurring on or near the leased premises, to report any observed repair needs of County property on or near the leased premises, and to provide assistance to the County in emergency situations occurring on or near the leased premises. Failure to comply with the above may result in the termination of the lease, and should be reported to the

Board. The Board may direct the Department of General Services to secure the professional services of a certified appraiser to establish fair and equitable rent for the dwelling, or the Board can set the rental on its own.

(4) In emergency situations, vacant or otherwise occupied buildings may be leased by the Director of the Department of General Services for a temporary period of up to sixty (60) days without any of the approvals otherwise required by the Administrative Code. Such leases may be oral or written but their terms and other pertinent information regarding them shall be reported to the County Executive and to the Board. The Director of the Department of General Services may recommend extending the terms of such leases, but such extension shall be subject to approval by Ordinance of the County. The Director of the Department of General Services may determine on his or her own that a situation constitutes an emergency for purposes of this Ordinance, and that it is necessary and in the best interests of the County to immediately have a person or persons occupy County dwellings or properties which have suddenly become vacant or otherwise unoccupied.

(5) Bed space in facilities operated by the Department of Corrections may be leased by the Director of the Department of Corrections to other government entities without any of the approvals otherwise required by the Administrative Code.

(I) The leasing of County property and facilities for any term which does not exceed twenty-four (24) consecutive hours shall be exempt from the requirements of the Administrative Code or any other Ordinance concerning lease procedures. Further, such leases shall also be exempt from receiving County approval by Ordinance of the County. The Director of General Services or his/her designee shall be responsible for such leases which shall be in writing and shall contain a specific clause or clauses whereby the lessee agrees to provide property liability insurance or to waive all claims against the County which might arise out of the use of leased property and to protect and hold the County harmless from any such claims by third parties. The liability clause or clauses shall be in a form and of a content which is satisfactory to the County Executive.

(1) "Lease" Defined

For purposes of this exception, the "lease" of County property shall mean a grant by the County to a person or persons of the right to use any enclosed building, a significant portion of real property or any personal property of the County for activities unrelated to the County or to the exclusion of the general public.

(2) Non-Lease Uses

All other granted uses of County property or facilities for any term which does not exceed twenty-four (24) consecutive hours shall not be considered leases for purposes of the Charter or any County lease procedure requirements. However, such non-lease uses which directly or collaterally involve the sale of any thing or service, regardless of the use or uses to which the proceeds of such sale shall be put, or which expect to involve or attract one hundred (100) or more persons at any one time shall require the completion and execution of a permit through the Director of the Department of General Services, or his/her designee.

(3) Non-Lease Use Permit Form

The permit shall be in a standardized form identifying the user and shall contain:

(a) The appropriate date, place and times of use;

(b) The purpose(s) of the proposed use;

(c) The maximum number of persons expected to be involved in or attracted to the use;

(d) A statement whereby the user promises that the property will be used so that no damage occurs thereto, normal wear and tear excepted, and that the user will fully reimburse the County for any costs to repair such damage;

(e) A statement that the user promises to clean up the property or that the user will fully reimburse the County for doing so;

(f) A statement whereby the user agrees to obey all applicable municipal, state and federal laws, regulations and ordinances;

(g) The full identification of insurance procured for the particular use for which the permit is being obtained or which is otherwise maintained by the user to cover similar uses;

(h) A statement whereby the user waives all claims which he, she or it might have against the County arising out of the use of the County's property.

(i) A statement whereby the user agrees to protect and hold the County harmless from the claims of third parties which arise out of the use of the County property;

(j) A statement whereby the user acknowledges having read and understood the requirements of this Ordinance and any other applicable County rules regarding the use of County property; and

(k) Any other information relative to the user or the use of the property which the user or the County deems pertinent or otherwise necessary.

(4) Standards for Granting Leases and Issuing Permits

The Director of the Department of General Services shall grant leases or issue permits to persons pursuant to this subsection except for:

(a) Failure to complete, or provide information to complete or to execute, the appropriate leases or the permit form required under Section 811 (I)(3); or

(b) Property or portions thereof which have already been requested by and reserved for another or which have been reserved for other purposes; or

(c) Indicating a purpose on the lease or permit form for the proposed use of the County property which will:

(1) Constitute illegal activity or conduct; or
(2) Involve defrauding the public or otherwise constitute deceitful or unscrupulous activity; or
(3) Interfere with public convenience and safety or pose an imminent threat of lawless activity.

(5) Leases and Permits for Residents Only

Short-term leases and use permits shall be available to residents of Lehigh County only.

(6) Fee

Short-term leases and use permits shall be available for a fee of One Hundred ($100.00) Dollars, Fifty ($50.00) Dollars of which shall be refunded to the lessee or user if the property involved is returned in clean and satisfactory condition as determined by the Department of General Services.

(7) Review of Denial for Lease or Permit

(a) A denial by the Director of the Department of General Services, or his/her designee, to any person for a short-term lease or permit shall be stated in writing, signed by the person making the denial and delivered personally to the person making the request or mailed to the person at the address which the person making the request supplied.

(b) Such written denials shall be made within ten (10) days after a person makes a request for a short-term lease for use of County property and shall contain the reason(s) for the denial.

(c) Any person so denied the lease or use of County property shall have the right to appeal that decision to the County Executive, provided that the appeal is in writing and taken within fifteen (15) days of the date of the written statement of denial.

(d) Appeals shall be heard and decided by the County Executive or by a three (3) member committee of Lehigh County citizens appointed by the County Executive. A decision shall be rendered in writing within ten (10) days after the hearing of the appeal is concluded.

(8) Penalties

(a) Any person who applies to lease or use County property or who leases or uses County property in violation of this subsection of the Administrative Code, or any person who enters upon County property with the intent to commit an unlawful act shall, upon conviction thereof at a summary proceeding and in addition to any other penalties already provided, be sentenced to pay a fine of up to One Hundred ($100.00) Dollars, to be paid to the use of the County with costs of prosecution.

(b) Any person who uses threatening, abusive, insulting, profane or indecent language or who engages in conduct that is abusive,

insulting, obscene, indecent, or constitutes a breach of the peace may be summarily removed from County Property when such use of language or conduct tends to disrupt good order and to provoke a disturbance.

(9) Motorized Vehicles

No non-County authorized motorized vehicle including without limitation motorized cycles, may be driven or parked on other than appropriately paved or designated area of County Property.

(10) Regulations

The County Executive through the Department of General Services shall recommend to the Board such regulations as are needed to further carry out the intent and purposes of this Ordinance in regulating the use of County property. Regulations shall be approved by a duly adopted written Resolution of the Board.

CODE OF ETHICS

Section 901 – CODE OF ETHICS

1. Each employee of the County shall abide by the Conflict of Interest and Code of Ethics provision provided for in Section 903 of the Charter as stated below:

(a) No officer, employee, or member of an agency of the County, whether elected or appointed, shall:

(1) directly or indirectly solicit or accept any service or thing of value from any person, firm or corporation having dealings with the County except upon the same terms granted to the public generally;

(2) receive any part of any fee, commission or other compensation paid or payable by the County or by any person in connection with any dealings or proceedings before any agency of the County, except that this subsection 903 (a) (2) shall not apply to persons who hold uncompensated County positions in matters unrelated to the position held;

(3) directly or indirectly be the broker or agent who procures any type of bond or policy of insurance for the County, its officers, employees, persons or firms doing business with the County, except that this subsection 903 (a) (3) shall not apply to persons who hold uncompensated County Positions in matters related to the position held;

(4) willfully and knowingly disclose, for direct or indirect pecuniary gain, to any person, confidential information acquired by him or her in the course of and by reason of his or her official duties or use any such information for the purpose of individual, direct or indirect pecuniary gain;

(5) assist another person by representing him or her directly or indirectly as his or her agent or attorney whether or not for compensation, in any transaction involving the County unless to provide assistance rendered in the course of or incident to his or her official duties, except that this subsection, 903(a)(5), shall not apply to persons who hold uncompensated County positions in matters unrelated to the position held;

(6) directly or indirectly engage in activities constituting bribery, duress or intimidation of voters and interference with the free exercise

of the elective franchise in violation of the Elections Code, 25 P.S. §§3539 and 3547, and as hereafter amended, or any other state or federal act presently or hereafter prohibiting or making unlawful the same or any other similar activity.

(b) Any County officer or employee who has a financial interest, direct or indirect in any contract with the County, or in the sale of land, material, supplies or services by or to the County or to a contractor supplying the County or in any resolution or ordinance proposed or pending before the Board shall make known that interest and shall refrain from voting upon or otherwise participating in the making of such sale or in the making or performance of such contract or in the discussion, adoption or defeat of such resolution or ordinance. If the person or corporation contracting with or making a sale to or purchasing from the County knows, or has reason to know, that this subsection has been violated, then the contract or sale may be declared void by the County Executive or by the resolution of the Board.

2. The penalty for violation of any of the specific prohibitions of this section of the Charter and this Code shall be forfeiture of office or employment, as well as other penalties by law, and such other disciplinary action as provided by the Personnel Code.

3. No officer, employee, or member of any agency of the County who is in a position to select persons for employment with the County shall in any way base such selection upon his or her social or legal relationship with the applicant for County employment or upon the political beliefs and associations of said applicant unless the position involved is a policy-making position or falls into one of the following categories of the Exempt Service:

(a) Elected Officers;
(b) Members of Authorities, Boards, Commissions, and Committees;
(c) Directors of departments in the Executive Branch; and
(d) One (1) clerk or secretary for each of the following officers: each elected officer of the County and the Director of each department in the Executive Branch.

ARTICLE X

BONDS

Section 1001 - OFFICIAL BONDS

1. Each of the following officers, before entering upon his official duties, whether he is elected, appointed or appointed to fill a vacancy, shall give and acknowledge a bond to the County in the indicated minimum amounts;

(a) Each member of the Board of Commissioners	17,500.00
(b) County Executive	2,000,000.00
(c) Controller	20,000.00
(d) Sheriff	60,000.00
(e) Clerk of Judicial Records Includes former Recorder of Deeds, Prothonotary, Register of Wills and Clerk of Courts	140,000.00
(f) Coroner	15,000.00
(g) Clerk of Orphan's Court	20,000.00
(h) Members of all authorities, boards and commissions	2,000.00
(i) Directors of all departments, offices and bureaus	5,000.00
(j) Fiscal Officer	2,000,000.00

2. Each such official bond may be joint and several, with one or more corporate sureties which shall be surety companies authorized to do business in the Commonwealth of Pennsylvania and duly licensed by the Insurance Commissioner of the Commonwealth. Consistent with state law, a blanket bond may be used to provide coverage for all officials.

Section 1002 - GENERAL CONDITIONS; COUNTY EXECUTIVE AND CONTROLLER; HEAD OF THE DEPARTMENT OF ADMINISTRATION

1. Each official bond shall be conditioned upon the faithful discharge by the County officer his deputies, clerk assistants and appointees of all trusts confided in him by virtue of his office, upon faithful execution of all duties required by him by virtue of his office, upon the joint and faithful accounting or payment over according to law, of all monies and balances thereof paid to, received or held by him by virtue of his office and upon the delivery to his successor or successors in office of all books, papers, documents or other official things held in right of his office.

2. The bonds of the County Executive and the Controller shall be further conditioned upon the faithful and legal appropriation of County and other monies in the County treasury upon checks and orders given by them or subject to their control.

3. The bond of the Director of the Department of Administration and any official or employee singly in charge of all duties previously assigned to the County Treasurer under a State or other applicable law shall be further conditioned upon a just account of all monies that may come into their hands on behalf of any political subdivision within the County or on behalf of any person, and for the payment to his successor of any balances of such monies remaining in their hands.

Section 1003 - OBLIGEES' SUITS ON BONDS

1. Each official bond shall be taken in the name of the County, unless otherwise provided by state law, and shall be for the use of the County and the Commonwealth and for the use of such other person or persons for whom money shall be collected and received, or his or her interest shall otherwise appear, in case of a breach of any of the conditions thereof by the acts or neglect of the principal on the bond.

2. The County, the Commonwealth, or any other person may sue upon the said bond in its or his own name for its or his own use. Acts of Assembly and the provisions of the Charter or any ordinance passed pursuant thereto pertaining to actions and limitations of actions upon official bonds given to the Commonwealth and to the County shall apply to the bonds provided for in this subdivision just as if they were given to the Commonwealth or to the County, except as otherwise specifically provided herein.

Section 1004 - APPROVAL, SUBSTITUTION OR ADDITION OF SURETY

1. Each official bond shall contain the name or names of the Surety Company or companies bound thereon, and shall be subject to the approval of The Court of Common Pleas of Lehigh County which may require such proofs as to it appear necessary or proper in connection with such bonds.

2. The Court may, at any time, upon cause shown and due notice to the County officer and his surety or sureties, require or allow the substitution or the addition of a surety acceptable to the Court for the purpose of making the bond sufficient in amount, as required by law, without releasing the surety or sureties first approved from any accrued liability or previous action on such bond.

Section 1005 - CUSTODIANS OF OFFICIAL BONDS

The Controller shall be custodian of all official bonds, except that of his own office, which shall be held by the County Executive.

Section 1006 - ACKNOWLEDGMENT, EVIDENCE

Official bonds shall be acknowledged before the Clerk of Judicial Records, except that the latter officer shall acknowledge his or her bond before the Controller. A copy of any official bond, certified as true and correct by the proper officer custodian thereof, shall be competent evidence thereof in any judicial proceeding.

Section 1007 - BONDS OF DEPUTIES, EMPLOYEES AND OTHER APPOINTEES OF COUNTY OFFICERS

1. The deputies, employees, and other appointees in each County office, who are required to receive, account for, or hold any money by virtue of their office or employment, shall give and acknowledge a single bond covering all such deputies, employees and appointees payable to the officer in whose office they are employed.

2. Every such bond shall be joint and several, with one (1) or more corporate sureties which shall be surety companies authorized to do business in the Commonwealth of Pennsylvania and duly licensed by the Insurance Commissioner of the Commonwealth.

3. Each such bond shall be conditioned for the faithful accounting, and payment according to law, of all money received by each deputy and appointee bonded, and shall be taken in the name of the County officer in whose office they are employed, and shall be for the use of that officer, the County and of the Commonwealth, and/or the use of such other party or parties for whom he shall collect or receive money as the interest of each shall appear in case of a breach of the conditions thereof. Each bond shall be placed in the custody of the Controller, which shall be filed in the office of the County Executive.

Section 1008 - DETERMINATION OF BONDS OF DEPUTIES AND OTHER APPOINTEES

Bonds required to be given by the deputies, employees and other appointees of the County offices shall be designated by the Board of Commissioners. The Board shall determine each position for which the requirement of a bond may be justified as aforesaid, and shall designate the amount thereof.

Section 1009 - INSURANCE TO PROTECT AGAINST ROBBERY, BURGLARY AND LARCENY; LIABILITY INSURANCE

1. Each County officer or employee who, as part of his or her official duties, handles money or has money in his or her possession at any time, in addition to any bond required by law, shall be covered against the loss of such money through robbery, burglary and larceny.

2. The Board shall provide insurance of every County officer and employee for liability arising from errors and omissions in the performance of their duties in the course of their employment. The liability for surcharge in accordance with law shall not be affected hereby.

3. The cost of any bond required by law and the cost of insurance shall be paid by the County and the amount of this insurance shall be fixed by the Board of County Commissioners by resolution.

Section 1010 - OTHER APPLICABLE LAW

The provisions of this Article shall be considered to be controlling but not exclusive in the face of any other law applicable to the bonding of County officers, appointees and employees.