

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2359 Session of  
1978

INTRODUCED BY IRVIS AND MEBUS, APRIL 11, 1978

REFERRED TO COMMITTEE ON URBAN AFFAIRS, APRIL 11, 1978

AN ACT

1 Amending the act of January 22, 1968 (P.L.27, No.7), entitled  
2 "An act promoting the welfare of the people of the  
3 Commonwealth; creating The Pennsylvania Transportation  
4 Assistance Authority as a body corporate and politic with  
5 power to acquire, construct, improve, equip and lease  
6 transportation assistance projects, and to fix the rentals,  
7 fees and charges for the use thereof; authorizing and  
8 regulating the issuance of bonds by the authority and  
9 providing for the payment of such bonds, and the rights of  
10 the holders thereof; authorizing the authority to enter into  
11 agreements, including agreements for the joint ownership of  
12 transportation assistance projects, with the government of  
13 the United States, any Federal agency, any political  
14 subdivision of the Commonwealth, any other authority  
15 organized by any thereof, any transportation company, or with  
16 any combination of the foregoing; granting to the authority  
17 the right of eminent domain; authorizing the Department of  
18 Commerce and the Department of Community Affairs to lease  
19 transportation assistance projects from the authority and to  
20 cooperate with local bodies; authorizing gifts to the  
21 authority by political subdivisions and corporations;  
22 empowering the authority to sell and convey transportation  
23 assistance projects and providing that no debt of the  
24 Commonwealth shall be incurred in the exercise of any of the  
25 powers granted by this act," further providing for contracts,  
26 procurement and sale of property, and competition in award of  
27 contracts.

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

30 Section 1. Section 12, act of January 22, 1968 (P.L.27,  
31 No.7), known as "The Pennsylvania Transportation Assistance

1 Authority Act of 1967," amended July 31, 1968 (P.L.934, No.283),  
2 is amended to read:

3 Section 12. Contracts, Procurement and Sale of Property,  
4 Competition in Award of Contracts.--(a) The authority shall  
5 have power and authority to enter into contracts and to make  
6 joint contracts of purchase with any local transportation  
7 organization in any manner complying with the law applicable to  
8 such local transportation organization. The authority shall also  
9 have power and authority to make contracts for the improvement  
10 of any rights-of-way, roadbeds or rolling stock, or  
11 electrification systems, or other transportation systems, or  
12 parts thereof, constituting a project without advertisement for  
13 competitive bids, where such work is to be done at cost by the  
14 personnel and with the facilities of the local transportation  
15 organization or of the transportation company on whose system  
16 such property is to be used.

17 (b) Except in the purchase of projects from a local  
18 transportation organization, or in the purchase of unique  
19 articles, or articles which, for any other reason, cannot be  
20 obtained in the open market, and except as herein specifically  
21 provided, competitive bids shall be secured before any purchase  
22 or sale, by contract or otherwise, is made or before any  
23 contract is awarded for construction, alterations, supplies,  
24 equipment, repairs or maintenance or for rendering any services  
25 to the authority other than professional services; and the  
26 purchase shall be made from or the contract shall be awarded to  
27 the lowest responsible bidder; or a sale to the highest  
28 responsible bidder. No purchase of any unique article or other  
29 articles which cannot be obtained in the open market shall be  
30 made without express approval of the board where the amount

1 involved is in excess of [one thousand five hundred dollars  
2 (\$1,500)] five thousand dollars (\$5,000).

3 (c) Except as herein specifically provided otherwise, all  
4 purchases and sales in excess of [one thousand five hundred  
5 dollars (\$1,500)] five thousand dollars (\$5,000) shall be  
6 awarded after advertising in a newspaper of general circulation  
7 in the area where the property is to be used not less than two  
8 weeks prior to the bid opening. Bids shall be publicly opened  
9 and read aloud at a date, time and place designated in the  
10 invitation to bid. In all cases of purchases or sales in excess  
11 of [one thousand five hundred dollars (\$1,500)] five thousand  
12 dollars (\$5,000) authorized hereunder to be made without  
13 competitive bidding except purchases from or sales to a local  
14 transportation organization or contracts with a transportation  
15 company pursuant to subsection (a) of this section 12,  
16 invitations to bid shall be sent not less than one week prior to  
17 the bid opening to at least three potential bidders who are  
18 qualified technically and financially to submit bids, or in lieu  
19 thereof a memorandum shall be kept on file showing that less  
20 than three potential bidders so qualified exist in the market  
21 area within which it is practicable to obtain bids.

22 (d) Purchases or sales under [one thousand five hundred  
23 dollars (\$1,500)] five thousand dollars (\$5,000) may be  
24 negotiated with or without competitive bidding under sound  
25 procurement procedures as promulgated and established by the  
26 board.

27 (e) Competitive bidding requirements may be waived if it is  
28 determined in such other manner as the board may, by regulation,  
29 provide, that an emergency directly and immediately affecting  
30 customer service, or public health, safety or welfare requires

1 immediate delivery of supplies, materials, or equipment:  
2 Provided, however, That a record of circumstances explaining the  
3 emergency shall be submitted to the board at its next regular  
4 meeting and thereafter kept on file.

5 (f) Contracts for the sale or lease of property owned by the  
6 authority shall be awarded after competitive bidding as shown in  
7 subsection (c) of this section 12, except where a contract is  
8 entered into with the Commonwealth or any political subdivision  
9 or agency or instrumentality thereof, local transportation  
10 organization or Federal agency.

11 (g) Requirements shall not be split into parts for the  
12 purpose of avoiding the provisions of this section 12.

13 (h) The authority shall have the right to reject any or all  
14 bids or parts of any or all bids, whenever, in the opinion of  
15 the board, such rejection is necessary for the protection of the  
16 interest of the authority. In every such case, a record shall be  
17 made, setting forth the reason for such rejection which record  
18 shall thereafter be kept on file.

19 (i) The board shall adopt rules and regulations to  
20 effectuate the provisions of this section 12.

21 (j) The authority shall have the power to accept the  
22 assignment from any local transportation organization of all or  
23 any interest in any lawfully made contract for the procurement  
24 and purchase of any asset deemed necessary or desirable by the  
25 authority in connection with any project.

26 Section 2. This act shall take effect in 60 days.