

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1751 Session of
1987

INTRODUCED BY GODSHALL, LLOYD, KUKOVICH, OLASZ, WOGAN, MRKONIC,
D. W. SNYDER, YANDRISEVITS, NOYE, BATTISTO, FOX, DISTLER,
CARLSON, PRESSMANN, TRELLO, HERSHEY, VROON, WOZNIAK,
COLAFELLA, BALDWIN, HECKLER, LANGTRY AND PHILLIPS,
SEPTEMBER 29, 1987

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 9, 1988

AN ACT

1 Amending the act of May 2, 1945 (P.L.382, No.164), entitled "An
2 act providing for the incorporation as bodies corporate and
3 politic of 'Authorities' for municipalities, counties and
4 townships; prescribing the rights, powers and duties of such
5 Authorities heretofore or hereafter incorporated; authorizing
6 such Authorities to acquire, construct, improve, maintain and
7 operate projects, and to borrow money and issue bonds
8 therefor; providing for the payment of such bonds, and
9 prescribing the rights of the holders thereof; conferring the
10 right of eminent domain on such Authorities; authorizing such
11 Authorities to enter into contracts with and to accept grants
12 from the Federal Government or any agency thereof; and
13 conferring exclusive jurisdiction on certain courts over
14 rates," restricting certain persons from bidding on
15 contracts.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. The act of May 2, 1945 (P.L.382, No.164), known
19 as the Municipality Authorities Act of 1945, is amended by
20 adding a section to read:

21 Section 10.1. Restrictions Concerning Contracts.--A. No
22 person who or entity which, as a contractor or subcontractor,

supplied goods or services to a government or government instrumentality and has been convicted of, or has pleaded guilty or nolo contendere to, a Federal or State crime involving fraud upon a government or a government instrumentality for acts or omissions arising out of the supplying of goods or services, and no entity in which that person or entity has a substantial interest, may bid on a contract for a period of three years after such conviction or plea. For purposes of this subsection, the following words and phrases shall have the following meanings:

(a) "Crime" means any criminal act committed after the effective date of this amendatory act for which the maximum possible penalty exceeds a fine of three hundred dollars (\$300) or exceeds imprisonment for ninety days.

(b) "Entity" means any association, corporation, limited partnership, partnership, or other business or nonprofit organization.

(c) "Fraud" includes, but is not limited to:

(1) A misrepresentation of a material fact that is not made honestly and in good faith.

(2) A promise, representation or prediction as to the future that is not made honestly and in good faith.

(3) An intentional failure to disclose a material fact.

(4) A fictitious or pretended purchase or sale of a security.

(5) The gaining, through the sale of a security, of an underwriting or promotion fee or profit or a selling or managing fee or profit that is so gross or exorbitant as to be unconscionable. This includes a scheme, device or artifice to obtain such a profit, fee or commission.

1 ~~submitted with the bid:~~

2 ~~(1) If the bidder has an equity interest in a company which~~
3 ~~collects, transports, treats, stores or disposes of solid waste~~
4 ~~or hazardous waste, the name and address of that company.~~

5 ~~(2) A description of the bidder's experience and credentials~~
6 ~~in collection, transportation, treatment, storage or disposal of~~
7 ~~solid waste or hazardous waste. This includes past or present~~
8 ~~licenses.~~

9 ~~(3) If the bidder is an entity, the names of the officers~~
10 ~~and directors or partners.~~

11 ~~(4) A list and explanation of Federal, State and local~~
12 ~~notices of violation, prosecutions, administrative orders and~~
13 ~~license revocations for the ten years immediately preceding the~~
14 ~~bid submission, if the action is pending or has resulted in a~~
15 ~~finding or a settlement of a violation of law by the bidder or~~
16 ~~its employees, and, in the case of an entity, by an officer or~~
17 ~~director or a partner, relating to the collection,~~
18 ~~transportation, treatment, storage or disposal of solid waste or~~
19 ~~hazardous waste.~~

20 ~~(5) A list and explanation of judgments of civil liability~~
21 ~~and convictions against the bidder or its employees and, in the~~
22 ~~case of an entity, against an officer or director or a partner.~~

23 ~~(6) A list of agencies outside of this Commonwealth which~~
24 ~~had regulatory authority over the bidder in connection with the~~
25 ~~collection, transportation, treatment, storage or disposal of~~
26 ~~solid waste or hazardous waste.~~

27 ~~(7) Other information that the authorizing authorities deem~~
28 ~~relevant to the competency, reliability or good character of the~~
29 ~~bidder.~~

30 ~~€ B. The township may require the following information to~~

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1 be submitted with the bid: a sworn statement by the bidder and,
2 if the affiant is an entity, by every person or entity having a
3 substantial interest therein, listing all Federal and State
4 convictions of, and pleas of guilty or nolo contendere to, any
5 crime within three years prior to the date of the statement,
6 said statement to be dated no more than one week prior to the
7 date set for the opening of bids.

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