

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1345 Session of  
1995

INTRODUCED BY ULIANA, HECKLER AND TOMLINSON, DECEMBER 14, 1995

SENATOR GERLACH, INTERGOVERNMENTAL AFFAIRS, RE-REPORTED AS  
AMENDED, MARCH 26, 1996

## A SUPPLEMENT

1 To the act of June 25, 1931 (P.L.1352, No.332), entitled "An act  
2 providing for joint action by the Commonwealth of  
3 Pennsylvania and the State of New Jersey in the  
4 administration, operation, and maintenance of bridges over  
5 the Delaware River, and for the construction of additional  
6 bridge facilities across said river; authorizing the  
7 Governor, for these purposes, to enter into an agreement with  
8 the State of New Jersey; creating a Delaware River Joint Toll  
9 Bridge Commission and specifying the powers and duties  
10 thereof, including the power to finance the construction of  
11 additional bridges by the issuance of revenue bonds to be  
12 redeemed from revenues derived from tolls collected at such  
13 bridges; transferring to said commission all powers now  
14 exercised by existing commission created to acquire toll  
15 bridges over the Delaware River; and making an  
16 appropriation," requiring the commission to adopt competitive  
17 purchasing, EQUAL OPPORTUNITY EMPLOYMENT AND COMPETITIVE  
18 HIRING practices. <—

19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

21 Section 1. Legislative findings and declarations.

22 The General Assembly finds and declares as follows:

23 (1) The Delaware River Joint Toll Bridge Commission was  
24 created by the Commonwealth of Pennsylvania and the State of  
25 New Jersey, with the consent of Congress, to provide an

1 efficient means of carrying out the planning, construction,  
2 maintenance and rehabilitation of certain Delaware river  
3 crossings.

4 (2) The Commonwealth of Pennsylvania and the State of  
5 New Jersey rely upon the commission to competently execute  
6 the duties and powers delegated to it as well as carefully  
7 managing the not inconsiderable financial means available to  
8 the commission.

9 (3) Notwithstanding the delegation of power to the  
10 commission, it is incumbent upon the Commonwealth of  
11 Pennsylvania and the State of New Jersey to ensure that the  
12 commission carries out its duties in a manner which ensures  
13 prudent use of toll payer moneys.

14 (4) Therefore, it is in the best interest of the public  
15 to supplement or limit the powers of the commission, as the  
16 case may be, to require the commission to competitively bid  
17 contracts in accordance with the public policies of the  
18 Commonwealth of Pennsylvania and the State of New Jersey.

19 Section 2. Contracts.

20 The Delaware River Joint Toll Bridge Commission, in the  
21 exercise of its authority to make and enter into contracts and  
22 agreements necessary or incidental to the performance of its  
23 duties and the execution of its powers, shall adopt standing  
24 operating rules and procedures requiring that, except as  
25 hereinafter provided, no contract on behalf of the commission  
26 shall be entered into for the doing of any work, or for the  
27 hiring of equipment or vehicles, where the sum to be expended  
28 exceeds \$10,000 unless the commission shall first publicly  
29 advertise for bids therefor, and requiring that the commission  
30 award the contract to the lowest responsible bidder; provided,

1 however, that such advertising shall not be required where the  
2 contract to be entered into is one for the furnishing or  
3 performing services of a professional nature or for the  
4 supplying of any product or the rendering of any service by a  
5 public utility subject to the jurisdiction of the Pennsylvania  
6 Public Utility Commission or the Board of Regulatory  
7 Commissioners of New Jersey and tariffs and schedules of the  
8 charges made, charged, or exacted by the public utility for any  
9 such products to be supplied or services to be rendered are  
10 filed with the appropriate boards.

11 Section 3. Power of commission.

12 This act shall not prevent the commission from having any  
13 work done by its own employees, nor shall it apply to repairs or  
14 to the furnishing of materials, supplies or labor, or the hiring  
15 of equipment or vehicles, when the safety or protection of its  
16 or other public property or the public convenience require, or  
17 the exigency of the commission's service will not admit of such  
18 advertisement. In such case the commission shall, by resolution,  
19 passed by the affirmative vote of a majority of its members,  
20 declare the exigency or emergency to exist and set forth in the  
21 resolution the nature thereof and the approximate amount to be  
22 so expended.

23 Section 4. Adjustment of threshold amount.

24 The commission may annually adjust the threshold amount in  
25 direct proportion to the rise or fall of the Consumer Price  
26 Index for All Urban Consumers in the New York City and  
27 Philadelphia areas as reported by the United States Department  
28 of Labor.

29 SECTION 5. EQUAL OPPORTUNITY EMPLOYMENT AND COMPETITIVE HIRING  
30 PRACTICES.

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1 (A) PROGRAM.--THE DELAWARE RIVER JOINT TOLL BRIDGE  
2 COMMISSION SHALL FORMULATE AND ABIDE BY A PROGRAM OF EQUAL  
3 OPPORTUNITY IN ACCORDANCE WITH THE PROVISIONS OF THE LAW AGAINST  
4 DISCRIMINATION (L.1945 C. 169, P. 589, N.J.S.A. 10:5-1 ET SEQ.)  
5 AND THE ACT OF OCTOBER 27, 1955 (P.L.744, NO.222), KNOWN AS THE  
6 PENNSYLVANIA HUMAN RELATIONS ACT.

7 (B) HIRING.--THE COMMISSION, IN THE EXERCISE OF ITS  
8 AUTHORITY TO APPOINT OFFICERS, AGENTS AND EMPLOYEES, SHALL ADOPT  
9 A POLICY OF OPEN AND COMPETITIVE HIRING PRACTICES. THE POLICY  
10 SHALL PROVIDE, AT A MINIMUM, THAT JOB APPLICATION FORMS BE  
11 AVAILABLE AT ALL COMMISSION FACILITIES.

12 Section 5 6. Applicability.

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13 This act shall apply as follows:

14 (1) This act shall apply upon the enactment into law by  
15 the State of New Jersey of legislation having an identical  
16 effect with this act, but if the State of New Jersey has  
17 already enacted such legislation, this act shall apply  
18 immediately, except as provided in paragraph (2).

19 (2) Notwithstanding paragraph (1), this act shall remain  
20 inoperative until the enactment of the act of  
21 , 19 (P.L. , No. ), entitled "An act amending the act  
22 of June 25, 1931 (P.L.1352, No.332), entitled 'An act  
23 providing for joint action by the Commonwealth of  
24 Pennsylvania and the State of New Jersey in the  
25 administration, operation, and maintenance of bridges over  
26 the Delaware River, and for the construction of additional  
27 bridge facilities across said river; authorizing the  
28 Governor, for these purposes, to enter into an agreement with  
29 the State of New Jersey; creating a Delaware River Joint Toll  
30 Bridge Commission and specifying the powers and duties

thereof, including the power to finance the construction of additional bridges by the issuance of revenue bonds to be redeemed from revenues derived from tolls collected at such bridges; transferring to said commission all powers now exercised by existing commission created to acquire toll bridges over the Delaware River; and making an appropriation,' further providing for attendance at meeting, for a limitation on certain employment and for joint audits," and similar legislation enacted by the State of New Jersey, and the approval, IF NECESSARY, by the Congress of the United States of the amendments to the compact described in this paragraph.

Section ~~6~~ 7. Effective date.

This act shall take effect immediately.