

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.

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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. ←

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

