

No. 1996-70

## A SUPPLEMENT

SB 1345

To the act of June 25, 1931 (P.L.1352, No.332), entitled "An act providing for joint action by the Commonwealth of Pennsylvania and the State of New Jersey in the administration, operation, and maintenance of bridges over the Delaware River, and for the construction of additional bridge facilities across said river; authorizing the Governor, for these purposes, to enter into an agreement with the State of New Jersey; creating a Delaware River Joint Toll 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," requiring the commission to adopt competitive purchasing, equal opportunity employment and competitive hiring practices.

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

Section 1. Legislative findings and declarations.

The General Assembly finds and declares as follows:

(1) The Delaware River Joint Toll Bridge Commission was created by the Commonwealth of Pennsylvania and the State of New Jersey, with the consent of Congress, to provide an efficient means of carrying out the planning, construction, maintenance and rehabilitation of certain Delaware River crossings.

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

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

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

Section 2. Contracts.

The Delaware River Joint Toll Bridge Commission, in the exercise of its authority to make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, shall adopt standing operating rules and procedures requiring that, except as

hereinafter provided, no contract on behalf of the commission shall be entered into for the doing of any work or for the hiring of equipment or vehicles where the sum to be expended exceeds \$10,000 unless the commission shall first publicly advertise for bids therefor, and requiring that the commission award the contract to the lowest responsible bidder; provided, however, that such advertising shall not be required where the contract to be entered into is one for the furnishing or performing services of a professional nature or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Pennsylvania Public Utility Commission or the Board of Regulatory Commissioners of New Jersey and tariffs and schedules of the charges made, charged or exacted by the public utility for any such products to be supplied or services to be rendered are filed with the appropriate boards.

**Section 3. Power of commission.**

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

**Section 4. Adjustment of threshold amount.**

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

**Section 5. Equal opportunity employment and competitive hiring practices.**

(a) **Program.**—The Delaware River Joint Toll Bridge Commission shall formulate and abide by a program of equal opportunity in accordance with the provisions of the Law Against Discrimination (L.1945 C. 169, p. 589, N.J.S.A. 10:5-1 et seq.) and the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act.

(b) **Hiring.**—The commission, in the exercise of its authority to appoint officers, agents and employees, shall adopt a policy of open and competitive hiring practices. The policy shall provide at a minimum that job application forms be available at all commission facilities.

**Section 6. Applicability.**

This act shall apply as follows:

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

(2) Notwithstanding paragraph (1), this act shall remain inoperative until the enactment of the act of July 11, 1996 (P.L.555, No.99), entitled "An act amending the act of June 25, 1931 (P.L.1352, No.332), entitled 'An act providing for joint action by the Commonwealth of Pennsylvania and the State of New Jersey in the administration, operation, and maintenance of bridges over the Delaware River, and for the construction of additional bridge facilities across said river; authorizing the Governor, for these purposes, to enter into an agreement with the State of New Jersey; creating a Delaware River Joint Toll 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 powers, 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 7. Effective date.

This act shall take effect immediately.

APPROVED—The 1st day of July, A.D. 1996.

THOMAS J. RIDGE