

No. 1978-243

AN ACT

HB 2359

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

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

Section 1. Section 12, act of January 22, 1968 (P.L.27, No.7), known as "The Pennsylvania Transportation Assistance Authority Act of 1967," amended July 31, 1968 (P.L.934, No.283), is amended to read:

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

(b) Except in the purchase of projects from a local transportation organization, or in the purchase of unique articles, or articles which, for any other reason, cannot be obtained in the open market, and except as herein specifically provided, competitive bids shall be secured before any purchase or sale, by contract or otherwise, is made or before any contract is awarded for construction, alterations, supplies, equipment, repairs or

maintenance or for rendering any services to the authority other than professional services; and the purchase shall be made from or the contract shall be awarded to the lowest responsible bidder; or a sale to the highest responsible bidder. No purchase of any unique article or other articles which cannot be obtained in the open market shall be made without express approval of the board where the amount involved is in excess of **[one thousand five hundred dollars (\$1,500)] two thousand five hundred dollars (\$2,500)**.

(c) Except as herein specifically provided otherwise, all purchases and sales in excess of **[one thousand five hundred dollars (\$1,500)] two thousand five hundred dollars (\$2,500)** shall be awarded after advertising in a newspaper of general circulation in the area where the property is to be used not less than two weeks prior to the bid opening. Bids shall be publicly opened and read aloud at a date, time and place designated in the invitation to bid. In all cases of purchases or sales in excess of **[one thousand five hundred dollars (\$1,500)] two thousand five hundred dollars (\$2,500)** authorized hereunder to be made without competitive bidding except purchases from or sales to a local transportation organization or contracts with a transportation company pursuant to subsection (a) of this section 12, invitations to bid shall be sent not less than one week prior to the bid opening to at least three potential bidders who are qualified technically and financially to submit bids, or in lieu thereof a memorandum shall be kept on file showing that less than three potential bidders so qualified exist in the market area within which it is practicable to obtain bids.

(d) Purchases or sales under **[one thousand five hundred dollars (\$1,500)] two thousand five hundred dollars (\$2,500)** may be negotiated with or without competitive bidding under sound procurement procedures as promulgated and established by the board.

(e) Competitive bidding requirements may be waived if it is determined in such other manner as the board may, by regulation, provide, that an emergency directly and immediately affecting customer service, or public health, safety or welfare requires immediate delivery of supplies, materials, or equipment: Provided, however, That a record of circumstances explaining the emergency shall be submitted to the board at its next regular meeting and thereafter kept on file.

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

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

(h) The authority shall have the right to reject any or all bids or parts of any or all bids, whenever, in the opinion of the board, such rejection is necessary for the protection of the interest of the authority. In every such

case, a record shall be made, setting forth the reason for such rejection which record shall thereafter be kept on file.

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

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

(k) Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (No.3), known as the "Steel Products Procurement Act."

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

APPROVED—The 4th day of October, A. D. 1978.

MILTON J. SHAPP