SUMMARY STATEMENT

TITLE:                      SUBJECT:     Political Contributions by DRPA Vendors and Potential Vendors (see DRPA 10-045)

COMMITTEE:                 Unfinished Business

COMMITTEE MEETING DATE:    N/A

BOARD ACTION DATE:         October 20, 2010

PROPOSAL:                  That the Board adopt a resolution modeled on New Jersey law in order to address the perception of political influence in the award of contracts and to eliminate the potential for such political influence.

PURPOSE:                   To adopt a requirement that vendors be prevented from influencing the Authority’s contract selection process by making political contributions.

BACKGROUND:                The Authority desires to ensure that it is conducting business in an open, transparent, and ethical manner. As such, vendors should be selected upon the basis of merit, qualifications, and cost-effectiveness. Vendors who are contracted with or are seeking contracted work with the Authority must be prevented from influencing the vendor selection process. The Authority adopted DRPA 10-045 at its August 18, 2010 Meeting. That resolution calls for disclosure of political contributions by vendors and potential vendors. The current resolution builds on 10-045 by adding explicit restrictions relating to contracting with vendors who make political contributions as set forth in the attached Vendor Political Contributions Policy.

SUMMARY:   Amount:      N/A
Source of Funds: N/A
Capital Project #: N/A
Operating Budget: N/A
Master Plan Status: N/A
Other Fund Sources: N/A
Duration of Contract: N/A
Other Parties Involved: N/A
RESOLUTION

RESOLVED: That the Board adopts the “Vendor Political Contributions Policy” attached hereto in order to eliminate any potential for vendors to influence the award of DRPA or PATCO contracts through political contributions and to avoid any perception of improper political influence in the award of such contracts; and be it further

RESOLVED: That the attached Vendor Political Contributions Policy will go into effect on January 1, 2011.

SUMMARY:
Amount: N/A
Source of Funds: N/A
Capital Project #: N/A
Operating Budget: N/A
Master Plan Status: N/A
Other Fund Sources: N/A
Duration of Contract: N/A
Other Parties Involved: N/A

OGC
PROHIBITION ON CONTRACTING
WITH VENDORS WHO MAKE CERTAIN
POLITICAL CONTRIBUTIONS

SCOPE: Defines the circumstances under which the Authority shall be prohibited from contracting with vendors who make certain political contributions.

POLICY

1. The Authority shall not enter into an agreement or otherwise contract to procure from any vendor for any material, supplies or equipment, or to acquire, sell, or lease any land or building, unless such vendor provides the Authority with a certification that such vendor is in compliance with all New Jersey, Pennsylvania and federal laws which impose “pay to play” restrictions or otherwise restrict campaign contributions by vendors.

2. Prior to awarding any contract or agreement to procure services or any material, supplies or equipment from, or for the acquisition, sale, or lease of any land or building from or to, any vendor, the Authority shall require the vendor to provide a written certification that it has not made a contribution that would bar the award of the contract, as if such contract was to have been made with the State of New Jersey, the Commonwealth of Pennsylvania or the federal government. The vendor shall have a continuing duty to report any contribution it makes during the term of the contract.

3. If the Authority determines that a vendor is in violation of this policy, the Authority will determine whether it is in the best interest of Authority to immediately terminate the existing contract or to complete the said contract. In either case, the said vendor will be barred from bidding on or receiving Authority work for the following eighteen months.

4. Notwithstanding anything contained herein to the contrary, nothing contained herein shall prohibit the Authority from contracting with a vendor where the Chief Executive Officer is authorized to act pursuant to the Emergency Powers provisions under the By-laws.

5. Nothing contained in this policy shall be construed as affecting the eligibility of any business entity to perform a contract with the Authority because that entity made a contribution during the two-year period immediately preceding
the effective date of this policy. This policy shall be effective as of January 1, 2011.

6. Any potential vendor that is barred from doing work for DRPA under this Policy will be barred for a period of eighteen (18) months following the date on which any offending political contribution was made.