

1 SB192
2 115335-2
3 By Senator Little (T)
4 RFD: Fiscal Responsibility and Accountability
5 First Read: 12-JAN-10

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 41-16-51, Code of Alabama 1975, as
12 amended by Act No. 2009-760, 2009 Regular Session, (Acts 2009,
13 p. 2249), relating to the Competitive Bid Law, to allow local
14 governments to purchase goods and services through vendors
15 with a current and valid contract with the Government Services
16 Administration without further competitive bidding.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 41-16-51, Code of Alabama 1975,
19 as amended by Act No. 2009-760, 2009 Regular Session, (Acts
20 2009, p. 2249), is amended to read as follows:

21 "§41-16-51.

22 "(a) Competitive bids shall not be required for
23 utility services, the rates for which are fixed by law,
24 regulation, or ordinance, and the competitive bidding
25 requirements of this article shall not apply to:

26 "(1) The purchase of insurance.

1 "(2) The purchase of ballots and supplies for
2 conducting any primary, general, special, or municipal
3 election.

4 "(3) Contracts for securing services of attorneys,
5 physicians, architects, teachers, superintendents of
6 construction, artists, appraisers, engineers, consultants,
7 certified public accountants, public accountants, or other
8 individuals possessing a high degree of professional skill
9 where the personality of the individual plays a decisive part.

10 "(4) Contracts of employment in the regular civil
11 service.

12 "(5) Contracts for fiscal or financial advice or
13 services.

14 "(6) Purchases of products made or manufactured by
15 the blind or visually handicapped under the direction or
16 supervision of the Alabama Institute for Deaf and Blind in
17 accordance with Sections 21-2-1 to 21-2-4, inclusive.

18 "(7) Purchases of maps or photographs from any
19 federal agency.

20 "(8) Purchases of manuscripts, books, maps,
21 pamphlets, or periodicals.

22 "(9) The selection of paying agents and trustees for
23 any security issued by a public body.

24 "(10) Existing contracts up for renewal for
25 sanitation or solid waste collection, recycling, and disposal
26 between municipalities or counties, or both, and those
27 providing the service.

1 "(11) Purchases of computer and word processing
2 hardware when the hardware is the only type that is compatible
3 with hardware already owned by the entity taking bids and
4 custom software.

5 "(12) Professional services contracts for
6 codification and publication of the laws and ordinances of
7 municipalities and counties.

8 "(13) Contractual services and purchases of
9 commodities for which there is only one vendor or supplier and
10 contractual services and purchases of personal property which
11 by their very nature are impossible to award by competitive
12 bidding.

13 "(14) Purchases of dirt, sand, or gravel by a county
14 governing body from in-county property owners in order to
15 supply a county road or bridge project in which the materials
16 will be used. The material shall be delivered to the project
17 site by county employees and equipment used only on projects
18 conducted exclusively by county employees.

19 "(15) Contractual services and purchases of products
20 related to, or having an impact upon, security plans,
21 procedures, assessments, measures, or systems, or the security
22 or safety of persons, structures, facilities, or
23 infrastructures.

24 "(16) Subject to the limitations in this
25 subdivision, purchases of goods made as a part of the
26 purchasing cooperative sponsored by the National Association
27 of Counties, or its successor organization. This subdivision

1 shall not apply to goods for which a service or service
2 contract, whether subject to competitive bidding under this
3 article or not, is necessary to utilize the goods. Such
4 purchases may only be made if all of the following occur:

5 "a. The goods being purchased are available as a
6 result of a competitive bid process approved by the Alabama
7 Department of Examiners of Public Accounts for each bid.

8 "b. The goods are either not at the time available
9 to counties on the state purchasing program or are available
10 at a price equal to or less than that on the state purchasing
11 program.

12 "c. The purchase is made through a participating
13 Alabama vendor holding an Alabama business license if such a
14 vendor exists.

15 "(17) Purchase of goods or services, other than
16 wireless communication services, whether voice or data, from
17 vendors that have been awarded a current and valid Government
18 Services Administration contract. Any purchase made pursuant
19 to this subdivision shall be under the same terms and
20 conditions as provided in the Government Services
21 Administration contract. Prices paid for such goods and
22 services, other than wireless communication services, whether
23 voice or data, may not exceed the amount provided in the
24 Government Services Administration contract.

25 "(b) This article shall not apply to:

1 "(1) Any purchases of products where the price of
2 the products is already regulated and established by state
3 law.

4 "(2) Purchases made by individual schools of the
5 county or municipal public school systems from moneys other
6 than those raised by taxation or received through
7 appropriations from state or county sources.

8 "(3) The purchase, lease, sale, construction,
9 installation, acquisition, improvement, enlargement, or
10 expansion of any building or structure or other facility
11 designed or intended for lease or sale by a medical clinic
12 board organized under Sections 11-58-1 to 11-58-14, inclusive.

13 "(4) The purchase, lease, or other acquisition of
14 machinery, equipment, supplies, and other personal property or
15 services by a medical clinic board organized under Sections
16 11-58-1 to 11-58-14, inclusive.

17 "(5) Purchases for public hospitals and nursing
18 homes operated by the governing boards of instrumentalities of
19 the state, counties, and municipalities.

20 "(6) Contracts for the purchase, lease, sale,
21 construction, installation, acquisition, improvement,
22 enlargement, or extension of any plant, building, structure,
23 or other facility or any machinery, equipment, furniture, or
24 furnishings therefor designed or intended for lease or sale
25 for industrial development, other than public utilities, under
26 Sections 11-54-80 to 11-54-99, inclusive, or Sections 11-54-20
27 to 11-54-28, inclusive, or any other statute or amendment to

1 the Constitution of Alabama authorizing the construction of
2 plants or other facilities for industrial development or for
3 the construction and equipment of buildings for public
4 building authorities under Sections 11-56-1 to 11-56-22,
5 inclusive.

6 "(7) The purchase of equipment, supplies, or
7 materials needed, used, and consumed in the normal and routine
8 operation of any waterworks system, sanitary sewer system, gas
9 system, or electric system, or any two or more thereof, that
10 are owned by municipalities, counties, or public corporations,
11 boards, or authorities that are agencies, departments, or
12 instrumentalities of municipalities or counties and no part of
13 the operating expenses of which system or systems have, during
14 the then current fiscal year, been paid from revenues derived
15 from taxes or from appropriations of the state, a county, or a
16 municipality.

17 "(8) Purchases made by local housing authorities,
18 organized and existing under Chapter 1 of Title 24, from
19 moneys other than those raised by state, county, or city
20 taxation or received through appropriations from state,
21 county, or city sources.

22 "(c) The state trade schools, state junior colleges,
23 state colleges, and universities under the supervision and
24 control of the State Board of Education, the district boards
25 of education of independent school districts, the county
26 commissions, and the governing bodies of the municipalities of
27 the state shall establish and maintain such purchasing

1 facilities and procedures as may be necessary to carry out the
2 intent and purpose of this article by complying with the
3 requirements for competitive bidding in the operation and
4 management of each state trade school, state junior college,
5 state college, or university under the supervision and control
6 of the State Board of Education, the district boards of
7 education of independent school districts, the county
8 commissions, and the governing bodies of the municipalities of
9 the state and the governing boards of instrumentalities of
10 counties and municipalities, including waterworks boards,
11 sewer boards, gas boards, and other like utility boards and
12 commissions.

13 "(d) Contracts entered into in violation of this
14 article shall be void and anyone who violates the provisions
15 of this article shall be guilty of a Class C felony."

16 Section 2. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Fiscal Responsibility and Account-
ability 12-JAN-10

Read for the second time and placed on the calen-
dar 25-FEB-10

Read for the third time and passed as amended ... 06-APR-10

Yeas 20
Nays 5

McDowell Lee
Secretary