

SB234 ENROLLED



1 SB234

2 672XZZ1-3

3 By Senators Givhan, Livingston, Orr, Butler, Kitchens, Kelley,
4 Carnley, Beasley, Elliott, Gudger, Weaver, Sessions, Allen

5 RFD: County and Municipal Government

6 First Read: 19-Mar-24



SB234 Enrolled

1 Enrolled, An Act,

2

3

4 Relating to public contracts; to amend Section
5 41-16-51, Code of Alabama 1975, as last amended by Act
6 2023-544, 2023 Regular Session, to further provide for an
7 exemption to the competitive bidding requirements, to include
8 certain county public building authorities within the
9 exemption.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 41-16-51, Code of Alabama 1975, as
12 last amended by Act 2023-544, 2023 Regular Session, is amended
13 to read as follows:

14 "§41-16-51

15 (a) Competitive bids for entities subject to this
16 article shall not be required for utility services, the rates
17 for which are fixed by law, regulation, or ordinance, and the
18 competitive bidding requirements of this article shall not
19 apply to any of the following:

20 (1) The purchase of insurance.

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

23 (3) Contracts for securing services of attorneys,
24 physicians, architects, teachers, superintendents of
25 construction, artists, appraisers, engineers, consultants,
26 certified public accountants, public accountants, or other
27 individuals possessing a high degree of professional skill
28 where the personality of the individual plays a decisive part.



SB234 Enrolled

29 (4) Contracts of employment in the regular civil
30 service.

31 (5) Contracts for fiscal or financial advice or
32 services.

33 (6) Purchases of products made or manufactured by blind
34 or visually impaired individuals under the direction or
35 supervision of the Alabama Institute for Deaf and Blind in
36 accordance with Chapter 2 of Title 21.

37 (7) Purchases of maps or photographs from any federal
38 agency.

39 (8) Purchases of computer programs, software
40 applications, manuscripts, books, maps, pamphlets,
41 periodicals, and library or research electronic databases of
42 manuscripts, books, maps, pamphlets, or periodicals.

43 (9) The selection of paying agents and trustees for any
44 security issued by a public body.

45 (10) Existing contracts up for renewal for sanitation
46 or solid waste collection, recycling, and disposal between
47 municipalities or counties, or both, and those providing the
48 service.

49 (11) Purchases of computer and word processing hardware
50 when the hardware is the only type that is compatible with
51 hardware already owned by the entity taking bids and custom
52 software.

53 (12) Professional services contracts for codification
54 and publication of the laws and ordinances of municipalities
55 and counties.

56 (13) Contractual services and purchases of commodities



SB234 Enrolled

57 for which there is only one vendor or supplier and contractual
58 services and purchases of personal property which by their
59 very nature are impossible to award by competitive bidding.

60 (14) Purchases of dirt, sand, or gravel by a county
61 governing body from in-county property owners in order to
62 supply a county project in which the materials will be used.
63 The material shall be delivered to the project site by county
64 employees and equipment used only on project components
65 conducted exclusively by county employees.

66 (15) Contractual services and purchases of products
67 related to, or having an impact upon, security plans,
68 procedures, assessments, measures, or systems, or the security
69 or safety of individuals, structures, facilities, or
70 infrastructures.

71 (16) Subject to the limitations in this subdivision,
72 purchases, leases, or lease/purchases of goods or services,
73 other than voice or data wireless communication services, made
74 as a part of the purchasing cooperative sponsored by the
75 National Association of Counties, its successor organization,
76 or any other national or regional governmental cooperative
77 purchasing program. The purchases, leases, or lease/purchases
78 may only be made if all of the following occur:

79 a. The goods or services being purchased, including
80 those purchased through a lease/purchase agreement, or leased
81 are available as a result of a competitive bid process
82 conducted by a governmental entity and approved by the
83 Department of Examiners of Public Accounts for each bid.

84 b. The goods or services are either not at the time



SB234 Enrolled

85 available to counties on the state purchasing program or are
86 available at a price equal to or less than that on the state
87 purchasing program.

88 c. The purchase, lease, or lease/purchase is made
89 through a participating Alabama vendor holding an Alabama
90 business license if such a vendor exists.

91 d. The entity purchasing, leasing, or lease/purchasing
92 goods or services under this subdivision has been notified by
93 the Department of Examiners of Public Accounts that the
94 competitive bid process utilized by the cooperative program
95 offering the goods complies with this subdivision. In
96 addition, upon request, a vendor shall provide the entity
97 purchasing, leasing, or lease/purchasing goods or services
98 equaling thirty thousand dollars (\$30,000) or more which are
99 made under this subdivision during the previous 12 months a
100 report of the sales, leases, and lease/purchases. The report
101 shall include a general description of the goods or services;
102 the number of units sold, leased, and leased/purchased per
103 entity; and the price of units purchased, leased, or
104 leased/purchased.

105 (17) Purchases of goods or services, other than
106 wireless communication services, whether voice or data, from
107 vendors that have been awarded a current and valid Government
108 Services Administration contract. Any purchase made pursuant
109 to this subdivision shall be under the same terms and
110 conditions as provided in the Government Services
111 Administration contract. Prices paid for the goods and
112 services, other than wireless communication services, whether



SB234 Enrolled

113 voice or data, may not exceed the amount provided in the
114 Government Services Administration contract.

115 (18) Purchases of goods or services from vendors that
116 have been awarded a current and valid statewide contract
117 listed on the Alabama Buys e-procurement system. Any purchase
118 made pursuant to this subdivision shall be under the same
119 terms and conditions as provided in the statewide contract.
120 Prices paid for the goods and services may not exceed the
121 amount provided in the statewide contract.

122 (19) Purchases of goods or services between
123 governmental entities of the state, as authorized by Section
124 11-1-10.

125 (20) Purchases of goods or services between a
126 municipality and a governmental entity, as defined in Section
127 8-38-2.

128 (b) This article shall not apply to:

129 (1) Any purchases of products where the price of the
130 products is already regulated and established by state law.

131 (2) Purchases made by individual schools of the county
132 or municipal public school systems from monies other than
133 those raised by taxation or received through appropriations
134 from state or county sources.

135 (3) The purchase, lease, sale, construction,
136 installation, acquisition, improvement, enlargement, or
137 expansion of any building or structure or other facility
138 designed or intended for lease or sale by a medical clinic
139 board organized under Chapter 58 of Title 11.

140 (4) The purchase, lease, or other acquisition of



SB234 Enrolled

141 machinery, equipment, supplies, and other personal property or
142 services by a medical clinic board organized under Chapter 58
143 of Title 11.

144 (5) Purchases for public hospitals and nursing homes
145 operated by the governing boards of instrumentalities of the
146 state, counties, and municipalities.

147 (6) Contracts for the purchase, lease, sale,
148 construction, installation, acquisition, improvement,
149 enlargement, or extension of any plant, building, structure,
150 or other facility or any machinery, equipment, furniture, or
151 furnishings therefor designed or intended for lease or sale
152 for industrial development, other than public utilities, under
153 Division 1 of Article 4 of Chapter 54 of Title 11, or Article
154 2 of Chapter 54 of Title 11, or any other law or amendment to
155 the Constitution of Alabama of 2022, authorizing the
156 construction of plants or other facilities for industrial
157 development or for the construction and equipment of buildings
158 for public building authorities under Chapter 15 of Title 11
159 or Chapter 56 of Title 11.

160 (7) The purchase of equipment, supplies, or materials
161 needed, used, and consumed in the normal and routine operation
162 of any waterworks system, sanitary sewer system, gas system,
163 or electric system, or any two or more thereof, that are owned
164 by municipalities, counties, or public corporations, boards,
165 or authorities that are agencies, departments, or
166 instrumentalities of municipalities or counties and no part of
167 the operating expenses of which system or systems, during the
168 then current fiscal year, have been paid from revenues derived



SB234 Enrolled

169 from taxes or from appropriations of the state, a county, or a
170 municipality.

171 (8) Purchases made by local housing authorities,
172 organized and existing under Chapter 1 of Title 24, from
173 monies other than those raised by state, county, or city
174 taxation or received through appropriations from state,
175 county, or city sources.

176 (9) The purchase of services to aid in the prevention
177 and detection of criminal activity by law enforcement agencies
178 and community-oriented policing programs.

179 (c) The state trade schools, state junior colleges,
180 state colleges, and universities under the supervision and
181 control of the State Board of Education, the district boards
182 of education of independent school districts, the county
183 commissions, and the governing bodies of the municipalities of
184 the state shall establish and maintain purchasing facilities
185 and procedures as may be necessary to carry out the intent and
186 purpose of this article by complying with the requirements for
187 competitive bidding in the operation and management of each
188 state trade school, state junior college, state college, or
189 university under the supervision and control of the State
190 Board of Education, the district boards of education of
191 independent school districts, the county commissions, and the
192 governing bodies of the municipalities of the state and the
193 governing boards of instrumentalities of counties and
194 municipalities, including waterworks boards, sewer boards, gas
195 boards, and other like utility boards and commissions.

196 (d) Contracts entered into in violation of this article



SB234 Enrolled

197 shall be void and any individual who violates this article
198 shall be guilty of a Class C felony."

199 Section 2. This act shall become effective on June 1,
200 2024.



SB234 Enrolled

201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB234

Senate 09-Apr-24

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives

Passed: 30-Apr-24

By: Senator Givhan