

1 HB382
2 115335-1
3 By Representative Williams (J)
4 RFD: County and Municipal Government
5 First Read: 21-JAN-10

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8 SYNOPSIS: Under existing law, state government may
9 purchase goods and services through vendors with a
10 current and valid contract with the Government
11 Services Administration without further competitive
12 bidding.

13 This bill would allow local governments to
14 purchase goods and services through vendors with a
15 current and valid contract with the Government
16 Services Administration without further competitive
17 bidding.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT

22
23 To amend Section 41-16-51, Code of Alabama 1975, as
24 amended by Act No. 2009-760, 2009 Regular Session, (Acts 2009,
25 p. 2249), relating to the Competitive Bid Law, to allow local
26 governments to purchase goods and services through vendors

1 with a current and valid contract with the Government Services
2 Administration without further competitive bidding.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 41-16-51, Code of Alabama 1975,
5 as amended by Act No. 2009-760, 2009 Regular Session, (Acts
6 2009, p. 2249), is amended to read as follows:

7 "§41-16-51.

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

12 "(1) The purchase of insurance.

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

16 "(3) Contracts for securing services of attorneys,
17 physicians, architects, teachers, superintendents of
18 construction, artists, appraisers, engineers, consultants,
19 certified public accountants, public accountants, or other
20 individuals possessing a high degree of professional skill
21 where the personality of the individual plays a decisive part.

22 "(4) Contracts of employment in the regular civil
23 service.

24 "(5) Contracts for fiscal or financial advice or
25 services.

26 "(6) Purchases of products made or manufactured by
27 the blind or visually handicapped under the direction or

1 supervision of the Alabama Institute for Deaf and Blind in
2 accordance with Sections 21-2-1 to 21-2-4, inclusive.

3 "(7) Purchases of maps or photographs from any
4 federal agency.

5 "(8) Purchases of manuscripts, books, maps,
6 pamphlets, or periodicals.

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

9 "(10) Existing contracts up for renewal for
10 sanitation or solid waste collection, recycling, and disposal
11 between municipalities or counties, or both, and those
12 providing the service.

13 "(11) Purchases of computer and word processing
14 hardware when the hardware is the only type that is compatible
15 with hardware already owned by the entity taking bids and
16 custom software.

17 "(12) Professional services contracts for
18 codification and publication of the laws and ordinances of
19 municipalities and counties.

20 "(13) Contractual services and purchases of
21 commodities for which there is only one vendor or supplier and
22 contractual services and purchases of personal property which
23 by their very nature are impossible to award by competitive
24 bidding.

25 "(14) Purchases of dirt, sand, or gravel by a county
26 governing body from in-county property owners in order to
27 supply a county road or bridge project in which the materials

1 will be used. The material shall be delivered to the project
2 site by county employees and equipment used only on projects
3 conducted exclusively by county employees.

4 "(15) Contractual services and purchases of products
5 related to, or having an impact upon, security plans,
6 procedures, assessments, measures, or systems, or the security
7 or safety of persons, structures, facilities, or
8 infrastructures.

9 "(16) Subject to the limitations in this
10 subdivision, purchases of goods made as a part of the
11 purchasing cooperative sponsored by the National Association
12 of Counties, or its successor organization. This subdivision
13 shall not apply to goods for which a service or service
14 contract, whether subject to competitive bidding under this
15 article or not, is necessary to utilize the goods. Such
16 purchases may only be made if all of the following occur:

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

20 "b. The goods are either not at the time available
21 to counties on the state purchasing program or are available
22 at a price equal to or less than that on the state purchasing
23 program.

24 "c. The purchase is made through a participating
25 Alabama vendor holding an Alabama business license if such a
26 vendor exists.

1 "(17) Purchase of goods or services from vendors
2 that have been awarded a current and valid Government Services
3 Administration contract. Any purchase made pursuant to this
4 subdivision shall be under the same terms and conditions as
5 provided in the Government Services Administration contract.
6 Prices paid for such goods and services may not exceed the
7 amount provided in the Government Services Administration
8 contract.

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

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

13 "(2) Purchases made by individual schools of the
14 county or municipal public school systems from moneys other
15 than those raised by taxation or received through
16 appropriations from state or county sources.

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

22 "(4) The purchase, lease, or other acquisition of
23 machinery, equipment, supplies, and other personal property or
24 services by a medical clinic board organized under Sections
25 11-58-1 to 11-58-14, inclusive.

1 "(5) Purchases for public hospitals and nursing
2 homes operated by the governing boards of instrumentalities of
3 the state, counties, and municipalities.

4 "(6) Contracts for the purchase, lease, sale,
5 construction, installation, acquisition, improvement,
6 enlargement, or extension of any plant, building, structure,
7 or other facility or any machinery, equipment, furniture, or
8 furnishings therefor designed or intended for lease or sale
9 for industrial development, other than public utilities, under
10 Sections 11-54-80 to 11-54-99, inclusive, or Sections 11-54-20
11 to 11-54-28, inclusive, or any other statute or amendment to
12 the Constitution of Alabama authorizing the construction of
13 plants or other facilities for industrial development or for
14 the construction and equipment of buildings for public
15 building authorities under Sections 11-56-1 to 11-56-22,
16 inclusive.

17 "(7) The purchase of equipment, supplies, or
18 materials needed, used, and consumed in the normal and routine
19 operation of any waterworks system, sanitary sewer system, gas
20 system, or electric system, or any two or more thereof, that
21 are owned by municipalities, counties, or public corporations,
22 boards, or authorities that are agencies, departments, or
23 instrumentalities of municipalities or counties and no part of
24 the operating expenses of which system or systems have, during
25 the then current fiscal year, been paid from revenues derived
26 from taxes or from appropriations of the state, a county, or a
27 municipality.

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

6 "(c) The state trade schools, state junior colleges,
7 state colleges, and universities under the supervision and
8 control of the State Board of Education, the district boards
9 of education of independent school districts, the county
10 commissions, and the governing bodies of the municipalities of
11 the state shall establish and maintain such purchasing
12 facilities and procedures as may be necessary to carry out the
13 intent and purpose of this article by complying with the
14 requirements for competitive bidding in the operation and
15 management of each state trade school, state junior college,
16 state college, or university under the supervision and control
17 of the State Board of Education, the district boards of
18 education of independent school districts, the county
19 commissions, and the governing bodies of the municipalities of
20 the state and the governing boards of instrumentalities of
21 counties and municipalities, including waterworks boards,
22 sewer boards, gas boards, and other like utility boards and
23 commissions.

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

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