

1 SB36
2 115246-2
3 By Senators Bedford and Ross
4 RFD: Finance and Taxation General Fund
5 First Read: 12-JAN-10
6 PFD: 11/17/2009

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to public contracts; to require contractors
12 to disclose all subcontractors which they will directly
13 contract with on each project; and to provide that the
14 information be posted on the Internet.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. (a) All contracts governed by Titles 39
17 and 41 of the Code of Alabama 1975, involving seven thousand
18 five hundred dollars (\$7,500) or more, made by or on behalf of
19 any state department, board, bureau, commission, committee,
20 institution, including the Legislature and colleges and
21 universities governed by a board of trustees or the Department
22 of Postsecondary Education, corporation, authority, or office
23 shall include the following:

24 (1) Contractors shall provide, to the awarding
25 authority or purchasing agent, as applicable, a written list
26 identifying contractors, subcontractors, and suppliers, and
27 their owners and primary places of business, for all

1 subcontracts or purchase orders that exceed seven thousand
2 five hundred dollars (\$7,500).

3 (2) Contractors shall supply this list within 20
4 days after the execution of the contract.

5 (3) Contractors shall amend this list within 10 days
6 after any change involving a subcontractor or a supplier.

7 (b) Failure to provide the requirements listed in
8 this section may result in the cancellation of the contract.

9 (c) With each application for payment, the
10 contractor shall furnish an affidavit listing the following:

11 (1) The number and name of every subcontractor
12 associated with the work.

13 (2) Every person furnishing labor or materials for
14 the work, and verification that every employee of the
15 contractor and subcontractor are legally present in this
16 state.

17 (3) The amounts due or to become due to the
18 subcontractors, laborers, or material suppliers as of the date
19 of the application for payment.

20 Section 2. This act shall apply to all contracts
21 described in Section 1 that are in existence on the effective
22 date of this act, and that have not been fully completed.

23 Section 3. The Comptroller shall include on the
24 Internet database for state expenditures a listing of all
25 subcontractors for public contracts.

1 Section 4. 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.

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Senate

Read for the first time and referred to the Senate
committee on Finance and Taxation General Fund .. 12-JAN-10

Read for the second time and placed on the calen-
dar 14-JAN-10

Read for the third time and passed as amended ... 09-FEB-10

Yeas 27
Nays 1
Abstaining 1

McDowell Lee
Secretary