

1 SB46
2 147000-1
3 By Senator Brewbaker
4 RFD: Governmental Affairs
5 First Read: 05-FEB-13
6 PFD: 01/17/2013

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, the Division of
9 Purchasing is authorized to charge a biannual
10 registration fee to vendors desiring to register
11 with the division to receive invitations-to-bid for
12 any goods or services solicited by the division.

13 This bill would remove the authorization
14 allowing the Division of Purchasing to charge a
15 biannual registration fee to vendors desiring to
16 register with the division to receive
17 invitations-to-bid for any goods or services
18 solicited by the division.

19
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23
24 To amend Section 41-4-110, Code of Alabama 1975, to
25 remove the authorization allowing the Division of Purchasing
26 to charge a biannual registration fee to vendors desiring to

1 register with the division to receive invitations-to-bid for
2 any goods or services solicited by the division.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 41-4-110, Code of Alabama 1975,
5 is amended to read as follows:

6 "§41-4-110.

7 "(a) There shall be in the Department of Finance the
8 Division of Purchasing. The functions and duties of the
9 Division of Purchasing shall be as follows:

10 "(1) To purchase all personal property and
11 nonprofessional services, except alcoholic beverages, which
12 shall be purchased by the Alcoholic Beverage Control Board and
13 except as otherwise provided by law, for the state and each
14 department, board, bureau, commission, agency, office and
15 institution thereof.

16 "(2) To make and supervise the execution of all
17 contracts and leases for the use or acquisition of any
18 personal property and nonprofessional services unless
19 otherwise provided by law.

20 "(3) To fix standards of quality and quantity and to
21 develop standard specifications for all personal property and
22 nonprofessional services acquired by the state or any
23 department, board, bureau, commission, agency, office or
24 institution thereof.

25 "(4) To maintain records as to prices and sources of
26 supply of such personal property and nonprofessional services,
27 such records to be open to the inspection of any state,

1 county, municipal, or other public officer or employee charged
2 with the duty of acquiring any such property and
3 nonprofessional services or article for his or her department,
4 board, bureau, commission, agency, office, institution,
5 county, municipal corporation, or local public body.

6 "(5) To manage, supervise, and control all printing
7 and binding for the state and for each department, board,
8 bureau, commission, agency, office, and institution thereof
9 and the distribution of all printed matter and to make and
10 supervise the execution of all contracts with respect thereto,
11 unless otherwise provided by law.

12 "(6) To require the periodic reporting of all
13 purchases of furniture, fixtures, supplies, material,
14 equipment, and other personal property, except printing, and
15 all contracts and leases for the use or acquisition thereof by
16 or for counties, the purchase, contract or lease price of
17 which is \$100.00 or more, and to require information in
18 connection therewith, to prescribe forms and fix the time for
19 submitting such reports, and, when requested by any county,
20 municipal corporation, and other local public body (including
21 any board of education) to make such purchases, contracts, or
22 leases for it. It shall be the duty of every county to make
23 such report on forms furnished by the Department of Finance,
24 whenever requested so to do, but not more than once every 30
25 days.

1 "(7) To perform such other functions and duties of
2 the Department of Finance as may from time to time be assigned
3 by the Director of Finance.

4 "(b) As long as the constitution so requires, all
5 stationery, printing, paper, and fuel used in the legislative
6 and other departments of the government shall be furnished,
7 and the printing, binding, and distribution of the laws,
8 journals, departmental reports, and all other printing,
9 binding and repairing and furnishing the halls and rooms used
10 for the meetings of the Legislature and its committees shall
11 be performed under contract, to be given to the lowest
12 responsible bidder below a maximum price, under such
13 regulations as have been or may be prescribed by law and as
14 may be promulgated by the Director of Finance. No member or
15 officer of any department of the government shall be in any
16 way interested in such contracts, and all such contracts shall
17 be subject to the approval of the Governor, the Auditor and
18 the Treasurer. All contracts not required to be approved by a
19 named officer or officers by the Constitution shall be subject
20 to the approval of the Director of Finance, who may, however,
21 provide for the automatic approval thereof by compliance with
22 the general rules or regulations promulgated by him or her.

23 "(c) The Purchasing Agent is further authorized to
24 establish and maintain a system for the purchase of personal
25 property and nonprofessional services by state departments,
26 agencies, boards, and institutions that conduct their
27 purchasing activities through the Division of Purchasing,

1 through the utilization of approved credit cards. The
2 Purchasing Agent shall establish by administrative rule a
3 process for the competitive solicitation of credit card
4 providers. The state Comptroller and the Purchasing Agent
5 shall promulgate fiscal procedures governing the payment of
6 charges incurred by credit card users and the utilization of
7 credit cards. The use of approved credit cards shall be
8 established by the state Comptroller and the State Purchasing
9 Agent, with the approval of the State Finance Director, and be
10 published through the Alabama fiscal procedures, in which each
11 purchase made using approved credit cards is required to have
12 prior approval by the department head or his or her designee
13 and a record of such purchases and approvals is to be
14 maintained. The Purchasing Agent may select the provider or
15 providers offering the highest fees to the division for the
16 use of its credit card or credit cards. Fees received by the
17 division for the use of credit cards shall be placed in a
18 special fund entitled the State Procurement Fund in the State
19 Treasury for the use of the division and such funds shall be
20 appropriated, budgeted, and allotted in accordance with
21 Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to
22 41-19-12, inclusive, and only in amounts stipulated in general
23 appropriations bills and other appropriation bills. Approved
24 credit cards may be issued to requisitioning agencies upon the
25 recommendation of the Purchasing Agent and the approval of the
26 Director of Finance. Approved credit cards will be assigned to
27 the department and will be in limited number. Such credit

1 cards may be utilized to purchase items of personal property
2 and nonprofessional services, and shall not exceed the
3 limitations set forth in subsection (a) of Section 41-16-24.
4 The director of the governmental entity utilizing credit cards
5 is responsible for the proper use of credit cards assigned to
6 his or her agency, in accordance with rules established by
7 Alabama fiscal procedures. The Purchasing Agent may collect
8 any credit card from any agency at any time due to improper
9 use. The Purchasing Agent shall submit an annual report and
10 accounting regarding the use of credit cards by each
11 governmental entity to the Director of Finance and the
12 Governor.

13 ~~"(d) The Division of Purchasing is authorized to~~
14 ~~charge a biannual registration fee to vendors desiring to~~
15 ~~register with the division to receive invitations to bid for~~
16 ~~any goods or services solicited by the division and to charge~~
17 ~~departments, boards, bureaus, commissions, agencies, offices,~~
18 ~~and institutions for their proportionate share of operating~~
19 ~~costs of the division. Any fee must be set by administrative~~
20 ~~rule upon the approval of the Director of Finance. Any fees~~
21 ~~collected under this provision shall be deposited in the State~~
22 ~~Treasury to the credit of the State Procurement Fund and shall~~
23 ~~be appropriated, budgeted, and allotted in accordance with~~
24 ~~Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to~~
25 ~~41-19-12, inclusive, and only in amounts stipulated in general~~
26 ~~appropriations bills and other appropriation bills."~~

1 Section 2. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.